

**CITY
OF
JACINTO CITY**



HOME RULE CHARTER

January 17, 1981

*Amended August 15, 1987

PREAMBLE: In thankful recognition of the leadership of Almighty God, we the people of Jacinto City, Texas, humble invoking His blessing, do ordain and establish this charter.

CITY OF JACINTO CITY, TEXAS

HOME RULE CHARTER

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CITY OF JACINTO CITY, TEXAS

HOME RULE CHARTER

ARTICLE 1. Corporate Name and Boundaries and Platting of Property

Section 1. Corporate Name and Seal

The inhabitants of the City of Jacinto City, Texas, in Harris County, Texas, as the boundaries and limits of the City are now or may be hereafter be established shall be a body politic and corporate in perpetuity under the name of the "City of Jacinto City", herinafter referred to as the "City" with such powers, privileges, rights, duties, functions, and immunities as granted to Home Rule Cities by the laws and Constitution of the State of Texas and as provided herein;

The Corporate Seal shall be an impression showing a star enclosed by the words "City of Jacinto City, Texas" in a circle as prescribed by the City Council.

Section 2. City boundaries

The bounds and limits of the City are hereby established and described as being those boundaries heretofore established in the original incorporation proceedings of the said City filed for record on May 10, 1946, in the Office of the Clerk of the County Court of Harris County, Texas, and those further boundaries established and changed thereafter in all annexation ordinances and proceedings of the City reference to which records, ordinances, and proceedings are herein made for a more particular description of the present bounds and limits of Jacinto City, Texas.

Section 2a. Extending City Limits upon Petition

1. Extending Limits in Accordance with Article 974 of the Revised Civil Statutes: Where such additional territory adjoins the corporate limits of the City and contains three (3) or more inhabitants qualified to vote for members of the State Legislature, such adjacent territory may be annexed to the City in the manner and in conformity with the procedure set forth in Article 974 of the Revised Civil Statutes of the State of Texas of 1925 provided the limit of one-half (1/2) mile in width contained in said Article shall not be applied and shall not limit the width of any such area to be annexed.

2. Annexation of Unoccupied Lands by Petition of Owners: The Owner, or owners of any land which is without residents, contiguous and adjacent to the City, may, by petition in writing to the governing body, request the annexation of such continuous and adjacent land, describing it by metes and bounds. The governing body shall thereafter, and not less than five (5) and not more than thirty (30) days after the filing of such petition, hear such petition and the arguments for and against the same, and grant or refuse such petition as the governing body may see fit.

3. If the governing body grants such petition, it may by proper ordinance receive and annex such territory as a part of the City.

Section 2b. Extending limits by action of City Council

1. Extending Limits by Action of City Council: The City shall have power by ordinance to fix the boundary limits of the said City and to provide for the extension of said boundary limits and the annexation of additional territory lying adjacent to said City, with or without the consent of the owners of and/or the inhabitants of the territory annexed. Upon the introduction before the City Council providing for the annexation of such territory without the consent of the inhabitants thereof, same shall be considered by the City Council and may be passed upon the first reading thereof. If apassed by the affirmative vote of a majority of the City Council, it shall then be published in the official newspaper of the City one time, and shall not thereafter be finally passed until at least thirty (30) days have elapsed after said publication, and when said ordinance is finally passed, the said territory so annexed shall be a part of the City, and the inhabitants thereof shall be entitled to all the rights and privileges of other citizens, and shall be bound by the acts, ordinances, resolutions and regulations of the said City.

2. Annexation by Amendment to Charter: The boundary limits of the City may be fixed and additional territory dadded or annexed thereto by Amendment to the Charter of the City.

3. Annexation by Any other Method Provided by Law: Additional territory may also be annexed to the City in any manner and in any manner and in any procedure that my now be provided by law of that may be hereafter provided by law same shall be in addition to the methods hereinabove provided.

4. Annexed Territory to Become Part of the City: Upon completion of any one of the procedures hereinabove provided, the territory so annexed shall become a part of the City, and said land and its inhabitants and future inhabitants, shall be entitled to all the rights and privileges of other citizens of the City, shall be bound by the acts, ordinances, resolutions and regulations of the City.

Section 3. Platting of Property

That should any property lying within the City limits as established by this act be hereafter platted into blocks and lots, then and in that event the owners of said property shall plat and lay the same off to conform to the streets and lots abutting on same, and shall file with the City Secretary a correct map of same provided, that in no case shall the City be required to pay for any of said streets at whatever date opened, but when opened by reason of the platting said property, at whatever date platted, they shall become by such act the property of the City for use as public highways, and shall be cared for as such provided, however, that the platting of any property laid off into blocks and lots as herein provided shall be platted in accordance with the regulations prescribed by the City Council. Said plat shall be approved by the City Council before said plat is placed of record, and before any lot or lots are sold with reference to said plat, and the City Council shall be authorized to pass all necessary ordinances, penal or otherwise, with reference to the platting of property so as to carry into effect the purposes of this provision, and the City Council is further authorized to pass all necessary ordinances prescribing reasonable rules and regulations for the laying of water mains or pipes, sewers and the regulation of the kind and character of street paving which may be placed in any such addition.

Section 4. Discontinuance and Relinquishment of Territory

(A) Territory within the corporate limits of the City and adjacent to the corporate boundary thereof may be relinquished and discontinued, as a part of the corporate area upon the terms and under the conditions provided for in Article 973 and 975 of the Revised Civil Statutes of the State of Texas as same now exist or may hereafter be amended.

(B) Whenever there exists within the corporate limits of the City and adjacent to the boundary line thereof, territory not exceeding one per cent (1%) of the corporate area, lying contiguous and in a body, inhabited or uninhabited, to which area the City is not able to extend its water system, or sewer system, or police protection, or to lay out and maintain properly therein streets, for adequately serving such area and the inhabitants thereof, without an unreasonable outlay of such funds as it may have available for such purposes, and upon a finding by the City Council that the City cannot adequately serve said area in one or more of said respects, and upon a finding further by the City Council that the discontinuance of such area will not materially affect the revenues of the City, nor materially impair the security of the holders of tax obligations and/or bonds of the City, the Mayor and City Council may, by ordinance duly passed, discontinue said territory as a part of the City and when said ordinance has been duly passed, same shall be entered on the Minutes of the City, and from and after the entry thereof, said territory shall cease to be a part of the City.

(C) Whenever there exists within the corporate limits of the City territory not exceeding one per cent (1%) of the corporate area, lying contiguous and in a body, inhabited or uninhabited, and adjoining a boundary line of the City, which area by reason of its location is better suited to industrial development rather than residential improvement, such area may be relinquished and discontinued as a part of the City by ordinance duly passed by the Mayor and City Council, provided the owners of at least three-fourths (3/4) of any such area shall petition the City Council to so relinquish and discontinue such territory, provided further that the City Council finds that the discontinuance of such area will not materially impair the security of the holders of tax obligations and/or bonds of the City, and when such ordinance has been duly passed and entered upon the Minutes of the City Council, said territory shall cease to be a part of the City.

(D) The aggregate of all areas discontinued and relinquished under the terms of Paragraphs "B" and "C" of this Section during any five (5) year period shall not exceed one per cent (1%) of the corporate area as same exists at the time of passage of the ordinance relinquishing such area, and the City Council shall find and incorporate in each such ordinance relinquishing territory, that the territory relinquished by such ordinance together with all territory theretofore relinquished during the five (5) years prior thereto does not exceed one per cent (1%) of the corporate area as same exists at the time of such ordinance.

ARTICLE 2. Corporate and General Powers

Section 1. Corporate Powers

The City made a body politic and corporate by this act, shall have perpetual succession, may use a common seal, may sue and be sued, may contract and be contracted with, implead and be impleaded in all courts and places and in all matters whatever, may take, hold and purchase lands as may be needed for the corporate purposes of said City, and may sell any real estate, or personal property owned by it, perform and render all public services, and, when deemed expedient, may condemn property for public use, and may hold, manage, and control the same such condemnation proceedings to be governed and controlled by the law now in force in reference to the condemnation of the right-of-way of railroad companies and the assessment of damages therefor, and shall be subject to all the duties and obligations now pertaining to or incumbent upon said City as corporation not in conflict with the provisions of this act, and shall enjoy all the rights, immunities, powers, privileges and franchises now possessed and enjoyed by said City and herein granted and conferred.

Section 2. General Powers

(A) The City Council shall have power to enact and to enforce all ordinances necessary to protect life, health and property; to prevent and similarly abate and remove nuisances; to preserve and promote good government, order, security, amusement, peace, quiet, education, prosperity and the general welfare of said City and its inhabitants; to exercise all the municipal powers necessary to the complete and efficient management and control of the municipal property and affairs of said City to effect the efficient administration of the municipal government of said City; to exercise such powers as conduce to the public welfare, happiness and prosperity of said City and its inhabitants; and to enact and enforce any and all ordinances upon any subject; provided, that no ordinance shall be enacted inconsistent with the provisions of this Charter and provided further, that the specification of particular powers shall never be construed as a limitation upon the general powers herein granted; it being intended by this Charter to grant to and bestow upon the inhabitants of the City and the City full power of local self-government, and it shall have and exercise all powers of municipal government not prohibited to it by its Charter, or by the provisions of the Constitution of the State of Texas.

(B) The City shall have all powers that are or hereafter may be granted to municipalities by the Constitution or laws of Texas and all such powers, whether expressed or implied, shall be exercised and enforced in the manner prescribed by this Charter, or when not prescribed herein, in such manner as shall be provided by ordinance or resolution of the City Council.

In addition to all the powers enumerated in this Charter, implied thereby or appropriate to the exercise thereof, the City shall have and may exercise, in the manner hereinbefore provided, all other powers which, under the Constitution and laws of this State, it would have been competent for this Charter specifically to enumerate.

Section 3. Real Estate, etc., owned by City

All real estate owned in fee simple title, or held by lease, sufferance, easement or otherwise all public buildings, market houses, school houses, fire engine stations, public squares, parks, streets, alleys, and all property of whatever kind, character and description which has been granted, donated, purchased or otherwise acquired by the City through any means or agency, and all causes of action, choses in action, rights or privileges of every kind and character, and all property of whatsoever character or description which may have been held and is now held, controlled or used by said City for public uses or in trust for the public, shall vest in and remain in, and inure to,

the said corporation, the City under this act; and all suits and pending actions to which the City heretofore was nor now is a party plaintiff or defendant, shall in no wise be affected or terminated by the provisions of this act, but shall continue unabated.

Section 4. Street Powers

(A) The City shall have power to lay out, establish, open, alter, widen, lower, extend, grade, narrow, care for, sell, pave, supervise, maintain, and improve streets, alleys, sidewalks, squares, parks, public places and bridges, and to vacate and close the same and to regulate the use thereof, and to require the removal from the streets and sidewalks of all obstructions, telegraph, telephone, street, railway or other poles carrying electric wires, signs, fruit stands, showcases and encroachments of every character upon said streets or sidewalks; and to vacate and close private ways.

(B) The City hereby adopts in full Chapter 106 of the General and Special Laws, enacted by the 40th Legislature of the State of Texas at its first called session, in 1927, and all amendments thereto, which act and amendments thereto have been codified as Article 1105b, Vernon's Annotated Civil Statutes of Texas, with reference to construction and improvement of streets, avenues, alleys, highways, boulevards, drives, public places, squares, sidewalks, curbs and gutters, and making provision to pay therefore. Said statute and amendments thereto are hereby adopted in their entirety, as completely as if here copied and set out in full. It is not intended that this section shall be exclusive, and the City shall also have as alternative powers the powers and provisions of all other laws of the State of Texas in anywise relating to the same subject matter.

(C) Sidewalks. The City shall have the power to provide for the construction, improvement or repair of any such sidewalk, or the construction of any such curb, by penal ordinance, and to declare defective sidewalks to be a public nuisance.

(D) Repair of Paved Streets. After the paving of any street in the City, it shall become the duty of the City to keep said street in repair, and to pay for same out of the general fund of the City.

(E) Removal of Obstructions. The City Council shall have power to order the removal of obstructions on all streets, avenues, alleys and highways of the City.

(F) Regulation of Streets. The City shall have power to control, regulate and remove all obstructions or other encroachments or encumbrances on any public streets, alleys or grounds, and to narrow, alter, widen or straighten any such streets, alleys, avenues or boulevards, and to vacate and abandon and to close any such streets, alleys, avenues or boulevards, and to regulate and control the removing of buildings or other structures over or upon such streets of the City, and shall have any and all other powers over streets, alleys, avenues and boulevards of the City as may now be given by the law of Texas to cities adopting home rule charter, or that may hereafter be given to such cities by Acts of Legislature of the State of Texas.

Section 4a. Power of Improvement by Condemnation

(A) The City shall also have power to open, extend, straighten, widen and improve any public street, alley, avenue or boulevard and for such purpose to acquire the necessary lands and to appropriate the same under the power of eminent domain, and to provide that the cost of improving any such street, alley, avenue or boulevard by opening, extending and widening the same shall be paid by the owners of the property specially benefited whose property lies in the territory of such improvement and to provide that the cost shall be charged by special assessment and that a personal charge shall be made against any owner for the amount due by him and to provide for the appointment, by the County Judge or other officer exercising like or similar powers, of three special City Councilmen for the purpose of condemning the said lands and for the purpose of apportioning the said cost, which apportionment of said cost

shall be specially assessed by the governing authorities against the owners and the property of the owners lying in the territory so found to be specially benefited in enhanced value by the said special City Councilmen. That the City shall pay such portion of such cost as may be determined by the said special City Councilmen, provided the same shall never exceed one-third(1/3) of the cost, and the property owners and their property shall be liable for the balance of the same as may be apportioned by said City Council. That the City may issue assignable certificates for the payment of any such cost against such property owners, and may provide for the payments, to bear interest at such rate as may be prescribed by the Charter, not to exceed ten per cent (10%). That the City may adopt any other method for the opening, straightening, widening or extending of its streets as herein provided for as may be deemed advisable and charge the cost of same against the property and the owner specially benefited in enhanced value and lying in the territory of said improvement that its Charter may provide. That the authority to adopt any other method shall include the manner of appointing City Council, the manner of giving notice and the manner of fixing assessments or providing for the payment for any such improvement.

(B) The City Council shall have power to pass any and all ordinances necessary to carry out the provisions of this section.

Section 5. To Regulate Street and Electric Railway Companies

(A) The City shall have the power by ordinance or otherwise, to regulate the speed of engines, locomotives and streetcars within the limits of said City, and to require steam railway companies to keep the streets over which they run properly drained, and to light the same wherever deemed necessary, and to require steam and electric railway companies to construct and keep in repair, from curb to curb, bridges and crossings over all the ditches, and to construct and maintain drains and culverts where crossed by any line of said railways on all streets over which they run.

(B) To direct and control the laying and construction of railroad tracks, turnouts and switches, and to regulate the grade of same and to require them to conform to the grade of the streets of said City as they may be or are now established, and said tracks, turnouts and switches be so constructed and laid out as to interfere as little as possible with the ordinary travel in the use of the streets.

Section 5a. Interchange of Service or Common Use of Tracks, Poles, Etc.

(A) The City shall have the power by ordinance to provide for the Interchange of service or common use by and between every person, firm, corporation, assignee, trustee or receiver, including the City owning, using, operating or controlling any franchise or public utility in the City over and of the lines, tracks or properties owned, held, maintained or operated by such person, firm, corporation, assignee, trustee or receiver under such franchise, and to have the power to enforce all ordinances passed hereunder by appropriate provisions, penal or otherwise, including the repeal and forfeiture of any of said franchises for noncompliance with the provisions of any ordinance or requirement passed under authority hereof.

(B) By the term "interchange of service or common use" as herein used is meant that any person, firm, corporation, assignee, trustee, or receiver holding a franchise from the City for any public utility shall allow the use by the City or any other person, firm, corporation, etc., owning, using, operating or controlling any franchise or public utility in the City upon the payment of a reasonable rental for such use of any of its poles, tracks, wires, conduits, electric current, right-of-way or other properties or equipment.

Section 6. To Regulate Rates of Public Utilities

(A) The City Council shall have the power by ordinance to fix and regulate the price of water, gas and electric lights, and to regulate and fix the fares, tolls and charges of local telephone and exchanges of public carriers and tracks, whether transporting passengers, freight or baggage, and generally to fix and regulate the rates, tolls, or charges of all public utilities of every kind.

(B) To fix and regulate the fares and charges of electric or street railway companies, and shall require by ordinance, under proper penalties, that any street railroad using any of the streets of the City shall for one fare give a transfer from any of its lines to any other line in the City, whether such other line be owned by it or any other company, and in addition to the penalties to be prescribed by ordinance for the failure to give transfers, shall have the right by mandamus or other proper remedy in any court of competent jurisdiction to enforce any ordinance requiring the giving of transfers by any street railroad company and in addition thereto, the City may recover of the street railway company the sum of twenty-five dollars as penalty and liquidated damages for each and every failure to file a transfer.

(C) It shall be unlawful to continue, amend or extend any street railroad franchise, without binding any such railroad to give universal transfers under provisions to be fixed by general ordinance.

Section 6a. Service and Extension by Public Utility Concerns

(A) The City shall also have power by ordinance to prescribe the character, quality and efficiency of service to be rendered, given performed and furnished, and the kind and design of material to be used in all their improvements by persons, firms, corporation, assignees, trustees or receivers engaged in the business of furnishing water, gas, electricity, telephone service or in the transportation of passengers, or freight and baggage or in the operation of any public utility of any kind operated under franchise from the City and the improvement of their service in a manner necessary or required for the public comfort and convenience, and to make improvements and betterments of their property. The City shall also have the power to regulate the extension of the lines or service of any public utility operated under franchise from the City and shall have the authority by ordinance to require, prohibit or otherwise regulate such extensions of lines or service, and the City Council may of its own motion, and shall at the request of any persons, firm or corporation affected by any such proposed extension make provision for a hearing determining the reasonableness thereof and public necessity therefor.

(B) All such hearings shall be conducted under such provisions as the City Council may prescribe. Nothing herein shall prevent the City Council from making general rules and regulations for the extension of lines or service.

(C) The City Council shall have power to enforce all ordinances passes under the authority hereof by appropriate provisions, penal or otherwise, including the repeal or forfeiture of any of said franchises for noncompliance with the provisions of any ordinance passes by authority hereof.

Section 7. Power to Own and Operate Utilities

(A) The City may buy or construct, own, maintain and operate a system of waterworks, gas or electric lighting plants, streetcars and sewers, and it shall be its duty to regulate, care for and dispose of sewage waste water, surface water, offal, garbage and other refuse matter, and to make rules and regulations governing the same, and prescribe penalties for violations of said rules and regulations.

(B) The City shall have the right to own, erect, improve, enlarge, maintain and operate water works systems within or without the City limits, and the exclusive right within the City limits shall regulate the same and have power to prescribe rates for water furnished, and to acquire by purchase, donation, condemnation or otherwise suitable grounds, within or without the limits of the City, on which to erect any such works and all incidentals necessary to operate and maintain such water works or water works system, and to compel the owners of all property and the agents of such owners or persons in control thereof to pay all charges for water furnished upon such property.

(C) The City shall have the right to own, erect, maintain and operate sewer systems or sewage disposal plants, filtering beds and emptying ground for sewage systems, and garbage and incinerator plants, within or without the City limits, and exclusive rights within the City limits to regulate the same and to have power to prescribe rates for the service so furnished and to acquire by purchase, donation, condemnation or otherwise, suitable grounds within or without the limits of the City, on which to erect any such sewer systems, sewage disposal plant or plants and filtering beds and emptying grounds for all sewer systems, and for garbage and incinerator plants, and the necessary rights of way, and to do and perform whatsoever may be necessary to operate and maintain said sewer system or systems, sewage disposal plants, filtering beds and emptying grounds for sewer systems, and for garbage and incinerator plants, and to compel owners of property and the agents of such owners or persons in control thereof to pay all charges for sewer service furnished upon such property, and shall have the power to compel owners of property and the agents or persons in control thereof to connect with such sewer system, and to pass all ordinances necessary for the enforcement of this power.

(D) The City shall have power to mortgage and encumber its water systems and sewer systems, either, both or all, and the franchise and income thereof and everything pertaining thereto, acquired or to be acquired, to secure the payment of funds to purchase the same or to purchase additional water powers, riparian rights, or to build, improve, enlarge, extend or repair such system, and to refund any existing indebtedness, either or all of them, and as additional security therefor by the terms of such encumbrances, may grant to the purchaser under sale or foreclosure thereunder, a franchise to operate the system and properties so purchased for a term of not over twenty (20) years after such purchase, subject to all laws regulating the same then in force. No such obligation shall ever be a debt of the City, but solely a charge upon the properties so encumbered, and shall never be reckoned in determining the power of the City to issue any bonds for any purpose authorized by law.

(E) No such water or sewer system shall ever be sold until such sale is authorized by a majority of the qualified voters of the City.

(F) Whenever the income of any water or sewer system shall be encumbered under these provisions the expense of operation and maintenance, including all salaries, labor, material, interest, repairs and extensions necessary to render efficient service and every proper item of expense, shall always be a first lien and charge against such income. The rates charged for services furnished by said systems shall be equitable and uniform and no free service shall be allowed except for buildings and institutions owned or operated by and/or for said City. There shall be charged and collected for such services a sufficient rate to pay for all operating, maintenance, depreciation, replacement, betterment and interest charges, and for interest and sinking fund sufficient to pay any mortgage indebtedness, to purchase, construct or improve any such system, or of any outstanding indebtedness against same.

(G) The City shall have the power and authority to sell and/or distribute water and to sell and provide for sewer service to any person or corporation outside the limits of the City, and to permit them to connect with said systems under contract with the City, under such terms and conditions as may appear to be for the best interests of the City provided the charges fixed for such services outside the City Limits shall be reasonable when considered in the light of all the circumstances, to be determined by the City Council.

(H) Also the City shall have the power and authority to prescribe the kind of water or sewer pipes within or beyond the limits of the City of where it furnishes the service, and to inspect the same and require them to be kept in good order and condition at all times and to make such rules and regulations and prescribe penalties concerning same, as shall be necessary and proper.

(I) The City Council may require the placing of all wires or overhead construction of public utilities, or such part thereof as may be deemed best, from time to time, under the surface of the ground, under such regulations as may be prescribed by the City Council and may provide for such construction or change thereof in any franchise hereafter granted, and may require all public service corporations now having their construction of wires and appliances above the ground to place the same, or any part thereof, below the ground under such regulations as the City Council may prescribe.

(J) The provisions of this Article relating to the granting of any franchise are not applicable to the franchise, or franchises, which may be granted as part of an indenture authorized for the purpose of securing the payment of revenue bonds.

(K) The City shall have all the rights, powers and privileges to be exercised by its City Council as therein provided, granted to home rule cities by Articles 1111 and 1118 inclusive of Vernon's Annotated Civil Statutes of the State of Texas, together with all amendments thereto and as same may hereafter be amended by the Legislature of the State of Texas, and nothing in this Charter shall be construed to deny or preclude any of such rights, powers and privileges.

Section 7a. Power of the City to Buy and Sell Electricity, etc.

The City shall have the power to buy gas, electricity, steam, water or any other kind of power, service or commodity needed for public use, and shall have the right to resell by sholesale or retail all such gas, electricity, steam or water, power, service or commodity which it may not need for its own use; provided, that no such purchase or sale shall be made by the City Council except upon and by authority of an ordinance, passed after it has been read at three (3) regular meetings provided, further, that before the City shall be bound by any contract sought to be made by the City Council for the purchase or sale of any gas, electricity, steam or other power, commodity or service for a longer period of time than twenty (20) years, the proposition therefor shall be submitted to a vote of the people of the City, which proposition shall consist of the ordinance proposed by the City Council and the material terms of the contract, and unless a majority of the votes cast at such election is in favor of the making of such contract the same shall not be made. Said election shall be held in the manner provided in this Charter and the ordinance ordering the same.

Section 8. Fires

The City shall continue to maintain and support a competent and adequate voluntary fire department for the protection of property and lives from fire within the corporate limits and the City Council shall levy and collect annually a sufficient tax to support, carry on and maintain said department.

Section 9. Markets

Said City shall have power to establish, lease, maintain, regulate and operate markets and market places, and abattoirs, and to build own and maintain building therefor, and to rent and lease the same.

Section 10. Charities and Corrections

The City shall have power to establish, maintain and regulate the City prison, or City prisons, workhouses, rock piles and other means of punishment for vagrants, City convicts and disorderly persons, houses of correction and reformatories for youthful criminals, compulsory schools for children without parents, or vicious parents or parents who wilfully and grossly neglect them, and such other places of incarceration and reformatory institutions, and such hospitals, orphanages and charitable institutions as it may deem expedient; provided, however, that no gratuity that is purely personal, and no pension, shall ever be granted to any individual, and no money of the City shall be paid out except for personal services rendered, and for the other purposes specified or authorized by this act.

Section 11. Fines for Violation of Ordinances

That the by-laws and ordinances of the City shall be enforced by a fine not to exceed two hundred dollars (\$200.00); provided, that no ordinance or by-law shall provide a lesser penalty than is prescribed for a like offense by the laws of the state.

The City Council may provide by ordinance for the commutation of fines imposed, by labor in a work house or on a rock pile, or upon the public streets and public ways of the City, and for the collection of any fine imposed execution may be enforced as other execution issued in civil causes.

Section 12. Corporation Court

There shall be a court for the trial of misdemeanor offenses known as the "Corporation Court", with such powers and duties as are defined and described in an Act of the Legislature of the State of Texas, and any acts amendatory thereof, entitled, "An Act to establish and create in each of the cities, town and villages of this state a state court, to be known as the "Corporation Court", in each City, town or village, and to prescribe the jurisdiction and organization thereof, and to abolish municipal courts", said act having been presented to the Governor of Texas March 15, 1899, and not having been disapproved.

Section 13. Police Department

The City Council shall have the power to continue to maintain and support a competent and adequate police department for the protection of the property and lives of the citizens of the City and for the furtherance of the general health, safety and welfare of the citizens of the City.

Section 14. Franchises

(A) The right of control, easement, user and the ownership of and title to the streets, highways, public thoroughfares and property of the City, its avenues, parks, bridges and all other public places and property are hereby declared to be inalienable, except by ordinance duly passed by the affirmative vote of a majority of the members of the City Council and no grant of any franchise or lease or right to use the same, either on, along, through, across, under or over the same by any private corporation, association, or individual, shall be granted by the City Council for a longer period than fifty (50) years, unless submitted to the vote of the legally qualified voters of the City; provided, however, that whenever application is made by any person or corporation for any grant or franchise, lease, right, or privilege in or to the streets and public thoroughfares of the City for a longer period than fifty (50) years, the Council shall submit such proposed grant at an election called for said purpose, the expense of which shall be borne by the

applicant for said franchise, and after said election, if the majority of the votes cast by the legally qualified voters shall be in favor of making said grant, as applied for, said grant may be made for such a term of years as is specified in the ordinance submitting the same at said election.

(B) The City Council may also, upon its own motion, submit all applications or ordinances requesting the granting of franchise or special privileges in and to the streets, public thoroughfares and highways of the City, to an election, at which the people shall vote upon the propositions therein submitted the expense of said election shall be paid by applicant or the applicants therefor.

(C) Said City shall have the power to determine, fix, and regulate the charges, fares and rates of any person, firm or corporation exercising, or that may hereafter exercise, any right of franchise or public privilege in said City, and to prescribe the kind of service to be furnished and the equipment to be used, and the manner in which service shall be rendered, and to change such regulations from time to time. In order to ascertain all of the facts necessary for a proper understanding of what is or should be a reasonable rate or regulation, the City Council shall have full power to inspect the books and other records of such person, firm or corporation and compel the attendance of witnesses for such purposes provided that in determining, fixing and regulating such charges, fares or rates of compensation, the same shall be based upon the fair value of the property of such person, firm or corporation devoted to furnishing service to the City or the inhabitants thereof, and not upon any stocks or bonds issued or authorized to be issued, by, or any other indebtedness of, such person, firm or corporation.

To require proper and adequate extension of plant and service, and the maintenance of the plant and fixtures at the highest practical standard of efficiency.

To prescribe the form of accounts and at any time to examine and audit the accounts and other records of any such utility and to require annual and other reports by each such public utility; provided, that if a public service commission or any other authority shall be given the power by law to prescribe the forms of accounts for public utilities throughout the state or throughout any district of which the City is a part, the forms so prescribed shall be controlling so far as they go, but the commission may prescribe other and more detailed forms for the utilities within its jurisdiction.

To impose such other regulations as may be conducive to the safety, welfare and accommodation of the public.

(D) No grant or franchise, or lease, or right of user, in, upon, along, through, or over the public streets, highways or public thoroughfares of the City shall be made or given nor shall any rights of any kind whatever be conferred upon any person, private corporation, individual or association of any kind whatever, except the same be made by ordinance duly passed by the City Council nor shall any amendment, renewal, extension or enlargement of any rights, or powers previously granted to any corporation, person or association of persons, in, upon, along, through, under or over the streets of the City be made, except in the manner and subject to all the conditions provided in the preceding sections of this Charter for the making of original grants and franchises.

(E) It shall be unlawful for any person or corporation or association of persons to use or occupy any public grounds whatever in the City or any space above, or below any public ground for the purpose of conducting any public utility wherein service is rendered to the public for hire or charge, unless permission is first had from the City Council in the manner provided in this Charter. All public utilities whose franchise, or grant expires by limitation expressed in the grant, shall, within six (6) months from date of the expiration of the grant or franchise remove all properties belonging to them from the public grounds and restore the grounds and surface of the streets to its original condition, unless before the expiration of the grant or within ninety (90) days thereafter a new franchise or extension of the old franchise be granted under the same rules governing the granting of a new franchise, as in this Charter provided.

(F) The City Council shall enforce all regulations of public utilities, whether such regulations are prescribed in the franchise under which they may be operating or by ordinances passed thereafter or by this Charter, and may for adequate cause enforce the forfeiture of any franchise in any court of competent jurisdiction adequate cause shall be deemed to be a persistent refusal, after due notice, to comply with reasonable regulations or demands of the City Council, or refusal to obey and comply with the law and the ordinances of the City or any contract.

Section 15. Contracts

No contract shall ever be made which binds the City to pay for personal services to be rendered for any stated period of time but all contracts involving a personal service shall be restricted to the doing of some particular act or thing, and upon its completion no further liability shall exist on the part of the City.

No contract shall be entered into until after an appropriation has been made therefor, nor in excess of the amount appropriated, and all contracts, whenever practicable, shall be made upon specifications and no contract shall be binding upon the City unless it has been signed by the mayor and countersigned by the City Manager and the expense thereof charged to the proper appropriation, and whenever the contract charged to any appropriation equals the amount of said appropriation, no further contracts shall be countersigned by the City Manager.

All contracts of whatever character, pertaining to public improvements, or the maintenance of public property of said City involving an outlay of as much as Five Thousand Dollars (\$5,000.00) or such amount as may be set by the Statutes of the State of Texas from time to time, shall be based upon specifications to be prepared and submitted to an approved by the City Council, and after approval by the City Council, advertisement for the proposed work, or matters embraced in said proposed contract, shall be made inviting competitive bids for the work proposed to be done. Notice of the time and place when and where such contracts shall be let shall be published in one official newspaper published in the City once a week for two consecutive weeks prior to the time set for letting such contract, the date of the first publication to be at least fourteen (14) days prior to the date set for letting said contract. All bids submitted shall be sealed, shall be opened before a quorum of the City Council, and be open to public inspection before any award of said work is made to any competitive bidder. The City Council shall determine the most advantageous bid for the City, and shall enter into contract with the party submitting the lowest or best bid, but shall always in every advertisement of public work or contract involving as much as Five Thousand Dollars (\$5,000.00) reserve the right to reject any and all bids. Pending the advertisement of the work or contract proposed, specifications therefore shall be on file in the office of the City Secretary subject to the inspecting of all parties desiring to bid.

The City Council shall adopt by ordinance all of the provisions of Articles 2368a V.A.T.S. and such other statutes pertaining to competitive bidding as may be appropriate which statutes shall be followed by the City Council notwithstanding any conflicting provision of this charter.

ARTICLE 3. Taxes and Taxation

Section 1. Taxation

The City Council shall have the power and is hereby authorized to annually levy, assess and collect taxes not to exceed the maximum rate provided by the Constitution and Laws of Texas for cities which taxes shall be levied and assessed upon all real and personal property within the corporate limits of the City which is not exempt from taxation by the Constitution and Laws of the State of Texas.

Section 2. Taxable Property, Seizure and Sale

All real, personal or mixed property, owned, held or situated in the City, shall be liable for all municipal taxes due by the owners thereof, regardless of where such owners may reside, including taxes on real estate, personal and mixed property. All personal property may be levied upon, seized and sold by the person performing the duties of collector of taxes that may be due and owing by the owner thereof, without further warrant of authority than production of his or her tax roll, which sale, when made, shall convey a prima facie title to the purchaser thereof or the amount of tax due by any person upon any species of property may be sued in any Court having jurisdiction and a personal judgment may be recovered against any delinquent taxpayer or against any person to whom personal property on which the City tax is due has been sold, or who owns, holds or claims possession of said personal property.

Section 3. Imposition and enforcement of lien

All taxes levied by the City are hereby declared to be a lien, charge and encumbrance on the property for which the tax is due, which lien, charge and encumbrance the City is entitled to enforce and foreclose in any Court having jurisdiction of the same and the lien, charge and encumbrance on the property in favor of the City for the amount of taxes due on such property, if such as to give the State Courts jurisdiction to enforce and foreclose said lien on the property on which tax is due, not only as against any resident of the State, or any person whose residence is unknown, but also against the unknown heirs of any person who owns the property on which the tax is due and against nonresidents.

All taxes upon real estate shall especially be a lien and a charge upon the property upon which the taxes are due, which lien may be foreclosed and the tax collected by suit in any Court having jurisdiction.

Section 4. Rendition of property

The City hereby adopts the General Tax Laws of Texas as applicable to cities and town, except where otherwise provided by this Charter, and shall be governed thereby in the rendition and assessment of property for taxes, and in the levy and collection thereof, shall keep such records thereof as are prescribed by the General Law, and shall proceed thereunder in the collection of all taxes, including the collection of delinquent taxes, and may enforce its liens for taxes either by summary sale or delinquent tax suits in the manner and in such cases as the General Law may provide.

Section 5. Collection, where payable

The City Council shall have full power to, and may by ordinance, provide for the prompt collection of all taxes levied, assessed and due, or becoming due to said City, and to prescribe when property shall be assessed or rendered

for taxes, and when the taxes thereon shall become due and payable, and to that end may and shall make such provisions as are necessary covering the levying, laying, imposing, assessing and collecting of any of said taxes; and to regulate the method and manner of making out tax lists and inventories, and the appraisement of property thereon, and to prescribe an oath that shall be administered to each person, on such rendition of the property, and to fix the duties and define the power of the assessor and collector of taxes, or such other officer or person as may be designated therefor by the City Council.

All taxes shall be payable at the office of the assessor and collector, or such other officer as the City Council may prescribe, and no demand for payment thereof shall be requisite or necessary to enforce the collection thereof by any of the proceedings herein prescribed, nor for the collection of any taxes due before the passage of this act.

Section 6. License Fees

The City Council shall have power to levy and collect taxes commonly known as licenses, in accordance with Article 1031 of the Revised Civil Statutes of Texas. The enumeration in said Article shall not be held to deprive the City Council of the right to levy and collect other licenses and taxes, and from other persons and firms under the authority which they have by virtue of being a home rule City.

Section 7. Franchise Tax

The City shall have the power annually, to levy and collect a franchise tax and/or a gross receipt tax, or ground rental tax, from any public service corporation using and occupying the public streets, alleys, or grounds of the City, separately from the ad valorem tax on the tangible property of such corporation, and to levy and collect, annually, a tax upon the intangible property and values, including the shares of corporations and joint stock associations, as the same is now or may be hereafter permitted by the Laws of Texas, and shall have full power to enforce the collection of all such taxes.

Section 8. The City Council Failing to Pass Tax Ordinances for Any Municipal Year

The City Council shall levy the annual tax for each year, but special taxes or assessments provided by this Charter may be levied, assessed, and collected at such time or times as the City Council may provide; provided that if for any cause, the City Council shall fail or neglect to pass a tax ordinance, levying taxes for that year, then, and in that event, the tax levying ordinance last passes will and shall be considered in force and effect as the tax levying ordinance, and the failure so to pass such ordinance for any one year shall in no wise invalidate the collection taxes for that year.

Section 9. Board of Appraisement and Equalization

The governing body of the City shall create annually a Board of Equalization, consisting of three (3) qualified voters and property taxpayers of the City, and said Board of Equalization shall have such powers and duties as are defined in Articles 1048 and 1056 inclusive, of the Revised Civil Statutes of Texas. The City Council shall prescribe the compensation of the members of said Board, and enact all ordinances necessary to regulate and control the equalization of value by such board.

ARTICLE 4. Finances and Bonds

Section 1. Fiscal Year

The fiscal year for the City shall be from October 1st, to and including September 30th, following.

Section 2. Scope of the City Budget

The budget for the City government shall present a complete financial plan for the ensuing fiscal year. It shall set forth all proposed expenditures for the administration, operation, and maintenance of all departments and agencies of the City government for which appropriations are required to be made or taxes levied by the City to said budget there shall be annexed a budget of the water and sewer system, and such system may be shown in the annexed budget as a self-supporting enterprise all expenditures for capital projects to be undertaken or executed during the fiscal year all interest and debt redemption charges during the fiscal year and the actual or estimated operating deficits from prior fiscal years. In addition thereto the budget shall set forth the anticipated income and other means of financing the total proposed expenditures of the City government for the fiscal year.

Section 3. The Budget Document

The budget document, presenting a financial plan for the City government as outlined in the preceding Section, shall consist of three (3) parts, as follows:

Part I shall contain (1) a budget message prepared by the City Manager which shall outline the fiscal policy for the City government, describing therein the important features of the budget with reference both to proposed expenditures and anticipated income. (2) a general budget summary with a few supporting schedules, which shall be in accordance with the Texas Uniform Budget Law.

Part II shall contain (1) detailed estimates of all proposed expenditures, showing the corresponding expenditures for each item for the current fiscal year and the last preceding fiscal year with explanations of increases or decreases recommended as compared with appropriations for the current fiscal year; (2) detailed estimates of anticipated revenues and other incomes; (3) delinquent taxes, if any, for current and preceding years, with percentage collectible; (4) statements of the bonded and other indebtedness of the City government, showing the debt redemption and interest requirements, the debt authorized and unissued, the condition of the sinking funds, if any and the borrowing capacity of the City.

Part III shall contain complete drafts of the budget ordinances, including an appropriation ordinance and such other ordinances as may be required to finance the budget.

Section 4. The Preparation and Adoption of the Budget

At least sixty (60) days prior to the beginning of the fiscal year the departments and agencies of the City government shall transmit estimates of their budetary requirements to the City Manager. The City Council may revise, alter, increase, or decrease the items of the budget, provided that when it shall increase the total proposed expenditures, it shall also increase the total anticipated income so that the total means of financing the budget shall at least equal in amount to the agregate proposed expenditures. When the Council shall make such changes, it shall issue a statement setting forth

clearly its action on the budget. At least ten (10) days before the beginning of the fiscal year, the Council shall approve the budget plan and shall enact the appropriation ordinance. As soon thereafter as possible the Council shall pass the tax levy ordinance and such other ordinances as may be required to make the budget effective.

Section 5. Transfer of Appropriations

The City Council may transfer any unencumbered appropriation balance or any portion thereof within a department or agency of the City government or from one department or agency to another.

Section 6. Money to be Drawn From Treasury in Accordance With Appropriation

No money shall be drawn from the treasury of the City, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation ordinance or of such ordinance when changed as authorized by the next preceding Section of this Charter. At the close of each fiscal year any unencumbered balance of any appropriation shall revert to the fund from which appropriated and shall be subject to reappropriation; but appropriations may be made by the Council, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

Section 6a. Exemption

Nothing in Sections 2 to 6 of this Article shall be construed to affect the authorization of bonds and warrants and the expenditures of the proceeds thereof, whether or not provision has been made therefore in the annual budget.

Section 7. Custody of City Money

All money received by any department or agency of the City for or in connection with the business of the City shall be paid promptly into the treasury and shall be deposited with responsible banking institutions. These institutions shall be designated by the City Council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All interest on money belonging to the City shall accrue to the benefit of the City.

Section 8. Bonds

The governing authority of the City, shall have the power to appropriate so much of the general revenue of the City as may be necessary for the purpose of retiring and discharging the accrued interest and indebtedness of the City to issue bonds to pay for any property or public improvements which the City may lawfully acquire or construct, to pay for any improvement the cost of which is to be assessed wholly or in part against abutting or benefitting property, or to fund or refund any indebtedness outstanding at the time this Charter takes effect for which inadequate provision for payment has been made but no bonds shall be issued to pay current expenses all bonds of the City issued which are a lien on the taxable property located within the City limits of the City shall be authorized by an ordinance passed by an affirmative vote of at least a majority of the members of the Council, and except funding and refunding bonds, and repair bonds not exceeding \$25,000.00 shall be submitted at an election to the qualified voters who are taxpayers of the

City, and should a majority of the votes cast in said election be in favor of issuance of the bonds the same shall be issued in accordance with the laws of Texas and this Charter, but should said election fail to carry, the bonds shall not be issued. The election provided for above shall be conducted as other elections under the state law, after giving notice by publication in accordance with state law.

All bonds hereafter issued by the City shall be subject to call for payment, redemption or refunding at par and accrued interest ten (10) years after the date thereof and on any interest paying date thereafter, and the right of all for payment, redemption or refunding shall be expressly set forth in any and all ordinances of the City Council providing for the issuance of such bonds, also in the face of the bonds themselves. The City Council is hereby fully empowered to provide for such call for payment, redemption or refunding privileges, as it may deem advisable and for the best interests of the City, to be exercised on any interest prior to ten (10) years after the issuance of any such bonds, and such privileges shall be expressly set forth in the ordinance of the Council providing for the issuance of such bonds in the face of the bonds themselves.

All bonds hereafter issued by said City shall specify for what purpose they were issued, shall be signed by the Mayor and countersigned by the person performing the duties of City Secretary with the seal of said City attached.

Section 9. Funding Debts

The Council shall have the power to pass all necessary ordinances to provide for the refunding of the whole or any part of the bonded debt and time warrant debt of said City, by cancellation of the evidences thereof, and issuing to the holders or creditors, bonds with coupons bearing interest at the same or a lower rate, and no election shall be necessary as a prerequisite thereof.

Section 10. Loans in Anticipation of Bond Sales

At any time after a bond ordinance has taken effect as provided in this Charter, the City may borrow money for the purposes for which bonds are to be issued, in anticipation of the receipt of the proceeds of the sale of bonds, and within the maximum authorized amount of the bond issue. Such loans shall be due and payable not later than three (3) years after the time of taking effect of the ordinance authorizing the bonds upon which they are predicated. But the limits of the life of the bonds, as herein prescribed shall be construed to include the terms of such temporary loan.

Section 11. Independent Audit

As soon as practicable after the close of each fiscal year, an independent audit shall be made of all accounts of the City government by qualified public accountants, selected by the City Council who have no personal interest directly or indirectly in the financial affairs of the City government or any of its officers. If the City Council deems it advisable, it may by resolution or ordinance provide for semi-annual or quarterly audits in lieu of the annual audit as herein specified.

Section 12. Promissory Notes.

The City is hereby authorized to issue its promissory notes in payment for any real estate which it is authorized and empowered under the laws of Texas and this Charter to purchase for any municipal purpose, including lands needed for public park purposes, which notes if deemed advisable by the City Council may be secured by the Vendor's lien to be retained in the conveyance.

thereof to the City, and/or by deed of trust upon such land, containing provisions for sale by trustee and such other terms as the City Council may deem advisable. Provided, however, that such notes shall never bear a rate of interest in excess of current interest rates, nor mature more than ten (10) years after date thereof, and provided further that at the time of the issuance of such notes, the City Council shall make such an appropriation of revenues or provision for levy of taxes, as shall be sufficient to create a sinking fund for the payment of the principal of such notes and the interest thereon as same mature.

Section 13. Adoption of State Bond and Warrant Law

The City shall have all the rights, powers and privileges granted to cities and towns by Article 2368-A of Vernon's Annotated Civil Statutes of Texas, known as the "Bond and Warrant Law of 1931", as same now exists and as same may be hereafter amended by the Legislature of the State of Texas.

Section 14. Reservation of Bond Power

There is hereby reserved to the City the power and authority to be exercised by the City Council of issuing bonds, and other evidence of indebtedness in amounts and under the conditions as authorized by the Constitution and laws of the State of Texas.

ARTICLE 5. Officers and Elections

Section 1. Governing Body

The governing body of the City shall be composed of the Mayor and five (5) Councilmen. The Mayor and all Councilmen shall be elected from the City at large. Each Councilman shall occupy a position on the City Council, such positions being numbered Position One (1) through Five (5) consecutively. The Mayor and Councilmen shall be elected in the manner hereinafter provided, to serve for two (2) year terms.

Section 2. City Council Members and Administrative Departments

(A) There are hereby created the following Administrative Departments:

1. Parks and Recreation
2. Finance and City Hall
3. Police and Fire
4. Water & Sewer and Health & Sanitation
5. Streets

The City Council may create, change and abolish or consolidate departments or agencies other than the Administrative Departments established in this section and in accordance with the provisions of Article 5, Section 7 of this Charter.

(B) Each City Council member shall, depending upon the position number to which he or she is elected, shall serve as a liason officer on behalf of the City Council to each of the Administrative Departments created hereinabove. Provided, however, that such Councilman shall not interfere with City Manager's supervision, authority, and control of the above Administrative Departments and the Councilman shall always deal with his or her Administrative Department solely through the City Manager.

1. The Councilman occupying Position One (1) shall serve as liason officer to the Department of Parks and Recreation.
2. The Councilman occupying Position Two (2) shall serve as liason officer to the Department of Finance and City Hall.
3. The Councilman occupying Position Three (3) shall serve as liason officer to the Department of Police and Fire.
4. The Councilman occupying Position Four (4) shall serve as liason officer to the Department of Water & Sewer and Health & Sanitation.
5. The Councilman occupying Position Five (5) shall serve as liason officer to the Department of Streets.

Notwithstanding anything to the contrary herein, each Councilman shall have the same power, duties, and responsibilities for every Administrative Department in the City regardless of whether he or she is the official liason officer designated for a certain Administrative Department.

Section 3. Qualifications for City Council Member and the Mayor

In addition to any other qualifications prescribed by law, the Mayor and each Councilman must meet the following qualifications:

1. He or she shall and must be citizens of the United States of America and a qualified voter of the State of Texas.

2. He or she shall have resided for at least twelve (12) months next preceeding the election at which he or she is a candidate within the corporate limits of the City.
3. He or she shall not be in arrears in the payment of any taxes or other liabilities due the City.
4. No employee or appointed official of the City shall continue in such position after becoming a candidate for an elective office.

Section 4. Status of Present Elected Officers

It is the intention of this Charter to preserve the existing status of term of office for the present Mayor and Councilmen of the City. When the present term of the Mayor shall expire, he or she shall be re-elected under the terms of this Charter. When the present terms for Councilmen shall expire, they shall be elected under the terms of this Charter.

Section 5. Elections

At the first general election held under this Charter, and each odd number year thereafter, the Mayor and two (2) Councilmen shall be elected, with the Councilmen filling Positions Four (4) and Five (5). The following year, and each even numbered year thereafter, three (3) Councilmen shall be elected to fill Positions One (1), Two (2), and Three (3).

The regular election for the choice of members of the City Council as provided in this Charter shall be amended to comply with Article 41.001 "Uniform Election Dates" of the Election Code of the State of Texas, as the same may be amended from time to time. The City Council shall adopt an ordinance setting the Election Date for the City Elections in accordance with said Election Code of the State of Texas.

Section 6. Candidates and Filing for Office

(A) Any qualified person may have his or her name placed on the official ballot as a candidate for Councilman or for the office of the Mayor of the City at any election held for the purpose of electing Councilmen or the Mayor by filing with the City Secretary, at least thirty (30) days prior to the date of election a sworn application along with a filing fee to be paid to the City in the amount of Fifty Dollars (\$50.00) for a candidate for Councilman or a filing fee of One Hundred Dollars (\$100.00) for a candidate for Mayor, which sworn application shall be substantially in the following form:

"I, _____, do hereby declare that I am a candidate for the office of (Councilman Position _____ or Mayor) and request that my name be printed upon the official ballot for that particular office in the next City election. I am above the age of eighteen (18) years; a qualified voter of the State of Texas, and am, and have been a bonafide resident of the State of Texas and of the City, Texas, for twelve months immediately next preceeding said election; I am a tax paying and a real or personal property owning citizen in said City. I am not in arrears in the payment of any taxes or other liability due the City; nor am I otherwise disqualified or ineligible to serve as (Councilman Position _____ or Mayor) if elected. I herewith tender the required filing fee for the office of (Councilman Position _____ or Mayor), or I am financially unable to pay the required filing fee for the office of (Councilman Position _____ or Mayor) and request that the same be waived. I meet all of the qualifications required by law to be a candidate for the office I am seeking. I reside at _____, address in Jacinto City, Texas."

In the event the candidate for the office of Councilman or Mayor is financially unable to pay the required filing fee, the City Secretary may waive the filing fee provided the person tenders a sworn written statement to the effect that he or she is financially unable to pay the filing fee.

Section 7. Regulations of Elections

The City Council shall make all regulations which it considers needful or desirable, not inconsistent with this Charter or the laws of the State of Texas, for the conduct of municipal elections, for the prevention of fraud in such elections and for the recount of ballots in case of doubt or fraud. Municipal elections shall be conducted by the appointed election authorities, who shall also have the power to make such regulations not inconsistent with this Charter, with any regulations made by the City Council or the laws of the State of Texas.

Section 8. Ballots

The full names of all candidates for the City Council as herein provided, except such as may have withdrawn, died or become ineligible, shall be printed on the official ballots without party designations. If two (2) candidates with the same surnames or with names so similar as likely to cause confusion are nominated, the addresses of their places of residence shall be placed with their names on the ballots. The order of the names on the ballot shall be determined, at a drawing conducted by the City Secretary, by lots. The official ballots shall be presented not less than twenty (20) days before the date of the election.

Section 9. Election of Mayor and Councilmen by Majority

At the regular City election (or any special election held to fill vacancies on the City Council) the candidate for Mayor or the office of Councilman (by position) who receives the highest number of votes cast in such election for each office to be filled shall be declared elected. There shall be no run-off election for any office.

In the event of a tie in the votes cast between any candidates, the winner shall be determined by a majority vote of the voters of the City in a special election to be held at the first lawful election date following the City General Election.

Section 10. Laws Governing City Elections

All City elections shall be governed, except as otherwise provided by the Charter, by the laws of the State of Texas governing general and municipal elections, so far as same may be applicable thereto and in the event there should be any failure of the general laws in this Charter to provide for some feature of the City elections, then the City Council shall have the power to provide for such deficiency, and no informalities in conducting a City election shall invalidate same, if it be conducted fairly and in substantial compliance with the general laws, where applicable, and the Charter and ordinances of the City.

Section 11. Canvassing and Election Results

(A) Returns of elections, general and special shall be delivered by election judges to the City Secretary at City Hall no later than four (4) hours after the closing of the polls. The election judges shall keep one copy of the returns in his or her possession. The City Council shall canvass the returns within sufficient time to declare the official results of the election

at the next regular City Council meeting after the closing of the polls. The returns of every City election shall be recorded in the official minutes of the City Council, by totals for each candidate, or, for or against each issue submitted.

(B) The City Secretary shall notify all persons elected. A candidate who is elected in the regular City election or special election shall take office and enter upon his or her duties after qualifying by taking and subscribing to his or her oath of office at the next regular City Council meeting after the closing of the polls.

Section 12. Oath of Office

Every officer of the City, whether elected or appointed before entering upon the duties of office, shall take and subscribe to an appropriate oath or affirmation as the City Council shall by ordinance determine appropriate, which oath or affirmation of office shall be filed and kept in the office of the City Secretary.

Section 13. Vacancies in Office of Councilmen

The office of a Councilman shall become vacant upon his or her death, resignation, removal from office in any manner authorized by law or forfeiture of his or her office. The Councilman shall forfeit his or her office if he or she: (a) lacks at any time during his or her office any qualification for the office prescribed by this Charter or by law; (b) is convicted of a felony or crime involving moral turpitude; or (c) fails to attend five (5) consecutive regular City Council meetings without being excused by the City Council. The vacancy in the office of Councilman shall be filled within thirty (30) days of the occurrence of the vacancy by a majority vote of the remaining members of the City Council by the selection of a person qualified for the position as described in this Charter. This appointee shall serve until the position of City Councilman can be filled at the next regular general City election. Provided however, where more than two (2) vacancies shall occur at any one time a special election shall be called, in the manner provided for general City elections, to elect their successor to fill the unexpired terms. However, if such vacancies shall occur within ninety (90) days of the general City election no special election to fill such vacancies shall be called, but the remaining members of the City Council shall, by majority vote, fill the vacancies, and the persons so selected shall serve until the next general City election when such vacancies shall be filled as in the case of an original election.

Section 14. Compensation of Councilmen

The City Council shall by ordinance set their rate of compensation each year at the first regular meeting following the general election. The City Councilmen shall also be entitled to be reimbursed for all reasonable and necessary expenses, in carrying on the performance of all their official duties, upon presentation of proper itemized account with paid receipts and approved by the City Council and any such funds not expended shall be returned to the City treasury.

Section 15. Meetings of City Council

The City Council shall hold at least two (2) regular meetings each month and as many additional meetings as it deems necessary to transact the business of the City and its citizens. The City Council shall fix by ordinance, the days and time of the regular meetings. All meetings of the City Council shall be held at the City Hall of Jacinto City and all meetings shall be open to the public; however, the City Council may recess to an executive session for the purpose of (1) deliberations to consider the appointment, employment or dismissal of a public officer or employee or to hear complaints or charges

brought against a public officer or employee, unless such officer or employee requests a public hearing; (2) deliberations pertaining to the acquisition of real property; (3) deliberations pertaining to litigation pending or threatened against the City; (4) deliberations on matters affecting security; or (5) deliberations on such other matters as authorized by the laws and constitution of the State of Texas; provided that the general subject matter for consideration is expressed in the motion calling for such session and that final action thereon shall not be taken by the City Council until the matter is placed on the agenda and a vote taken in an open meeting. Special meetings of the City Council shall be held on the call of the Mayor or three (3) or more City Council members and, whenever practicable, upon no less than seventy-two (72) hours notice shall be given to each member. Special meetings shall be not held sooner than seventy-two (72) hours from the time called and said meetings shall be posted at the City Hall no less than seventy-two (72) hours prior to the special meetings. In addition to the posting of the notice of special meetings, the City Secretary shall also notify the official City newspaper of such meeting. Notwithstanding anything to the contrary herein, the Mayor or three (3) City Councilmen may call an emergency special meeting where there exists a clear public emergency and necessity for such meeting; provided that notice shall be given to the Mayor and each Councilman no less than four (4) hours prior to such emergency special meeting. In addition to the four (4) hours notice to the Mayor and each Councilman, the City Secretary shall also notify the official City newspaper at least four (4) hours prior to such emergency special meeting.

Section 16. General Powers and Duties

All powers of the City shall be vested in the City Council, except as otherwise provided by law or this charter, and the City Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

Section 17. Prohibitions

(A) Holding Other Office: Except where authorized by law, no Mayor or Councilman shall hold any other City office or City employment during his or her term as Mayor or Councilman, and no former Mayor or Councilman shall hold any compensated appointive City office or City employment until one year after the expiration of his or her term as Mayor or Councilman. No Mayor or Councilman shall be an active member of the Police Reserve or Volunteer Fire Department while in office.

(B) Appointments and Removals: Neither the City Council or any of its members shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the City Manager or any of his or her subordinates are empowered to appoint, but the City Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

(C) Interference with Administration: Except for the purpose of inquiries and investigations under this Charter, the City Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor its members shall give orders to any such officer or employee, either publicly or privately.

Section 18. Rules of Procedure

The City Council shall, by ordinance, determine its own rules and order of business and the rules shall provide that citizens of the City shall have a reasonable opportunity to be heard at any meeting in regard to any matter under consideration. The City Council shall provide for minutes being taken and recorded of all meetings, and such minutes shall be a public record. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the minutes. Three (3) City Council members shall

constitute a quorum for the purpose of transaction of business and no action of the City Council, shall be valid or binding unless adopted by the affirmative vote of three (3) or more members of the City Council.

Section 19. Ordinances in General

(A) Form: The City Council shall legislate by ordinance only, and the enacting clause of every ordinance shall be, "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JACINTO CITY, STATE OF TEXAS." Each proposed ordinance shall be introduced in the written or printed form required for adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title, but general appropriation ordinances may contain various subjects and accounts for which monies are to be appropriated.

After adoption, an ordinance shall not be amended or repealed except by the adoption of another ordinance amending or repealing the original ordinance. Except when an ordinance is repealed in its entirety, the amendatory or repealing ordinance shall set out in full the ordinance, sections, or sub-sections to be amended or repealed, and shall indicate matter to be omitted by enclosing it in brackets and shall indicate new matter by underscoring.

(B) Procedure: Any member of City Council may offer any ordinance in writing that he or she desires after it has been approved by the City Attorney as to form, and has been placed on the agenda of a regular City Council meeting. Copies of the proposed ordinance, in the form required for adoption, shall be furnished to members of City Council a minimum of three (3) days before first reading. Copies of the proposed ordinance, in the form required for adoption, shall be posted at the City Hall and at least one other public place as shall be designated by ordinance and shall be furnished to citizens, upon request to the City Secretary, beginning three (3) days before first reading and, if amended, shall be posted and furnished in the amended form beginning three (3) days prior to the first reading and for as long as the proposed ordinance is before City Council.

The City Attorney shall prepare and/or review all proposed ordinances prior to first reading and shall make any suggestions and/or objections to the said ordinance to the City Council.

A proposed ordinance, except an emergency and/or a budget ordinance, shall be read on two (2) regular City Council meetings, with at least two weeks elapsing between each reading. A proposed ordinance may be amended at any reading, but any ordinance amended shall automatically be placed again on first reading at a subsequent meeting. Emergency ordinance shall be passed in accordance with Section 20 and budget tax ordinances in accordance with this Charter.

(C) Effective Date: Every ordinance shall become effective upon adoption, or at any later time specified in the ordinance, except that every ordinance imposing any penalty, fine, or forfeiture shall become effective after the caption, the offense and penalty clauses of the ordinance have been published in the official City newspaper.

(D) The reading aloud of the title of the ordinance shall suffice as a reading, provided printed copies of the ordinance, in the form required for adoption, are in front of all members of City Council and a reasonable number of additional copies are available to citizens present at the meeting. If two (2) Councilmen request that the ordinance be read in its entirety, it must be so read.

Section 20. Emergency Ordinances

To meet a public emergency affecting life, health, property, or the public peace, the City Council may adopt emergency ordinances. Such ordinances shall not levy taxes, grant or renew or extend a franchise, or regulate the rate charged by any public utility for its services. Neither

shall they authorize the borrowing of money, except as provided herein. An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that it shall be plainly designated in the title as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced. The affirmative vote of four (4) members elected to City Council shall be required for adoption. After adoption, the ordinance shall be numbered as required for other adopted ordinances, with the designation of "E" following the number. After adoption, the ordinance shall be published as required for other adopted ordinances and shall become effective in the same manner.

Section 21. Codes of Technical Regulations

The City Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:

- (A) the requirements of Section 20 for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinances, and
- (B) a copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the City Secretary pursuant to Section 22A.

Copies of any adopted code of technical regulations shall be made available by the City Secretary for distribution or for purchase at a reasonable price.

Section 22. Authentication and Recording, Codification, Printing

(A) Authentication and Recording: The City Secretary shall authenticate by his or her signature and record in full in a properly indexed book kept for the purpose, all ordinances and resolutions adopted by the City Council. All ordinances shall be numbered numerically and consecutively in the order in which adopted. This record shall be open for public inspection.

(B) Codification: Within one (1) year after adoption of this charter and at least every ten (10) years thereafter, the City Council shall provide for the preparation of a general codification of all general ordinances of the City. Every general ordinance enacted subsequent to such codification shall be enacted as an amendment to the code. For the purposes of this section general ordinances shall be deemed to be those ordinances of a permanent or continuing nature which affect the residents of the City at large. The codification shall be adopted by the City Council by ordinance and shall be published promptly in bound or loose-leaf form, together with this charter and any amendments thereto, pertinent provisions of the constitution and other laws of the state of Texas, and such codes of technical regulations and other rules and regulations as the City Council may specify. This compilation shall be known and cited officially as the Jacinto City Code and shall be in full force and effect without the necessity of such code or any part thereof being published in any newspaper. The caption, descriptive clause, and other formal parts of the ordinances of the City may be omitted without affecting the validity of such ordinances when they are published as a code. Copies of the code shall be furnished to City Officers, placed in libraries and public offices for free reference and made available for purchase by the public at a reasonable price fixed by the City Council.

(C) Printing of Ordinances and Resolutions: The City Council shall cause each ordinance and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances and charter amendments

shall be distributed or sold to the public at reasonable prices to be fixed by the City Council. Following publication of the first City Code and at all times thereafter, the ordinances and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The City Council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the constitution and other laws of the State of Texas, or the codes of technical regulations and other rules and regulations included in the Code.

Section 23. Bonds for City Employees

The City Council shall require bonds of all municipal officers and employees who receive or pay out any monies of the City. The amount of such bonds shall be determined by the City Council and the cost thereof shall be borne by the City.

Section 24. Investigation by the City Council

The City Council may make investigations into the affairs of the City and the conduct of any City department, division, or office and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the City Council shall be guilty of a misdemeanor and subject to a fine which shall have been set, by ordinance, by the City Council.

Section 25. No Members Excused from Voting

Each member of the City Council present at any meeting shall be required to announce his or her vote on each question, ordinance, and resolution placed before the City Council, except on matters involving the consideration of his or her own official conduct or where his or her financial interests are involved, in which event such member shall not vote, but shall give his or her reasons for not voting, which reasons shall be placed in the minutes of the City Council. No member shall abstain or refrain from voting on any question, ordinance or resolution except for the reasons stated in this section.

ARTICLE 6. Appointive Offices

Section 1. City Manager

(A) Appointment and Qualifications. The City Council by majority vote shall appoint a City Manager. The method of selection shall be left to the discretion of the City Council so long as the method insures orderly, non-partisan action toward securing a competent and qualified person to fill the position. The City Manager shall be chosen solely upon the basis of his or her executive and administrative training, experience and ability and need not when appointed be a resident of the City; however, during the tenure of his or her office he or she shall reside within the City. The City Manager shall be bonded at City expense in an amount determined by the City Council but not less than Five Thousand (\$5,000.00) Dollars. No Councilman or Mayor shall be appointed City Manager during his or her term of office, nor within one (1) year after the expiration of his or her term of office.

(B) Compensation. The City Manager shall receive compensation as may be determined and fixed by the City Council according to his or her experience, education and training. The compensation should be agreed upon before appointment with the understanding that the City Council may change it at their discretion.

(C) Term and Removal. The City Manager shall not be appointed for a definite term but may be removed at the discretion of the City Council, by vote of at least four (4) of the five (5) Councilmen. The action of the City Council in suspending or removing the City Manager shall be in writing and signed by four (4) Councilmen. It is the intention of this Charter to vest all authority and fix responsibilities of such suspension or removal in the City Council.

(D) Powers and Duties. The City Manager shall be responsible to the City Council for the proper administration of all the affairs of the City and to that end shall have the power and be required to:

1. See that all state laws and City ordinances are effectively enforced.
2. Except as otherwise provided in this Charter, appoint, suspend or remove all or any one of the directors or managers of departments with the concurrence of the City Council.
3. Except as otherwise provided in this Charter, hire, suspend, or remove any employee of the City consistent with good and efficient administrative reasons or purposes and in the best interest of the City.
4. Supervise and control each of the Departments of the City.
5. Prepare the budget annually and submit it to the Mayor and City Council and be responsible for its administration after its adoption.
6. Prepare and submit to the City Council at the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceeding year.
7. Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem advisable.
8. To set up job classifications within each department with salaries and wages commensurate with the employee's ability and qualifications, subject to the concurrence of the City Council.

9. Perform such other duties as may be prescribed by this Charter or as required of him or her by the City Council, as consistent with this Charter.

(E) Acting City Manager. The City Manager shall within sixty (60) days after taking office designate by letter filed with the City Secretary, a qualified administrative officer to the City to perform the duties of the City Manager in his or her absence or disability. Such designation shall be subject to approval of the City Council. No member of City Council shall serve as Acting City Manager. The Acting City Manager shall hold office at the pleasure of the City Manager subject to concurrence of the City Council.

Section 2. City Secretary

The City Council shall upon recommendation of the City Manager appoint a City Secretary who shall act as the secretary to the City Council and shall hold office at the pleasure of the City Council. He or she shall attend all official meetings and shall receive compensation as set by the City Council.

(A) Duties of the City Secretary:

1. Record the minutes of all official meetings of the City Council, provided, however, only the captions of duly enacted ordinances and resolutions shall be recorded in the minutes.
2. Be custodian of all municipal records of the City Council.
3. Hold and maintain the City Seal and affix to all instruments requiring such seal.
4. Perform such duties as may be prescribed by or directed by the City Manager or the City Council.

(B) The office of City Manager and City Secretary shall not be combined. No Councilman or Mayor shall be appointed City Secretary during his or her term of office nor within one (1) year after the expiration of his or her term of office.

Section 3. City Attorney

(A) Appointment and Qualifications. The City Council by majority vote shall appoint an attorney for the City, who may be called the City Attorney. The method of selection shall be left to the discretion of the City Council so long as the method insures orderly, non-partisan action toward securing a competent and qualified attorney to fill the position. The City Attorney shall be a competent and licensed attorney practicing law in the State of Texas. He or she need not be a resident of the City.

(B) Term and Removal. The City Attorney shall not be appointed for a definite term of office, but may be removed at the discretion of the City Council, by vote of at least four (4) of the five (5) Councilmen. The action of the City Council in suspending or removing the City Attorney shall be in writing and signed by four Councilmen. It is the intention of this Charter to vest all authority and fix responsibilities of such suspension or removal in the City Council.

(C) Compensation. The City Attorney shall receive such compensation as may be determined by the City Council. The City Council shall determine the method of billing or compensation by agreement with the City Attorney before appointment, with the understanding that the City Council may change it at their discretion.

(D) Duties. The City Attorney shall be the legal adviser of, and attorney for, all of the offices and departments of the City, and he or she shall represent the City in all litigation and legal proceedings; provided,

that the City Council may retain special counsel upon recommendation of the City Attorney at such times as they deem same appropriate and necessary. He or she shall review and concur or dissent upon all documents, contracts, and legal instruments in which the City may have an interest. The City Attorney shall be the legal adviser and counsel for the City. He or she shall prepare and draft all resolutions, ordinances and legal instruments on behalf of the City. He or she shall attend the City Council meetings and perform such other duties as the City Council may direct.

Section 4. Chief of Police

(A) Appointment and Qualifications. The City Council by majority vote shall appoint a Chief of Police. The method of selection shall be left to the discretion of the City Council so long as the method insures orderly, non-partisan action toward securing a competent and qualified person to fill the position. The Chief of Police shall be a certified peace officer duly certified by the State for at least five (5) years and chosen solely upon the basis of his or her experience, training and administrative abilities. He or she need not be a resident of the City when appointed; however, during the tenure of his or her office shall reside within the City.

(B) Compensation. The Chief of Police shall receive compensation as may be determined and fixed by the City Council according to his or her experience, education and training. The compensation should be agreed upon before appointment with the understanding that the City Council may change it at their discretion.

(C) Term and Removal. The Chief of Police shall not be appointed for a definite term, but may be removed at the discretion of the City Council, by vote of at least four (4) of the five (5) Councilmen. The action of the City Council in suspending or removing the Chief of Police shall be in writing and signed by four (4) Councilmen. It is the intention of this Charter to vest all authority and fix responsibilities of such suspension or removal in the City Council.

(D) Duties. The Chief of Police shall be the department head of the Police Department, but shall report to and be under the City Manager. He or she shall be charged with the duties of keeping the peace and order in the City and in protecting the lives and property of all citizens.

The Chief of Police shall enforce all penal laws and ordinances in the City and supervise and oversee all police investigations and functions.

Section 5. Municipal Court, Judge and Court Clerk

There shall be established and maintained a Court, designated as a "Municipal Court" for the trial of misdemeanor offenses, with all such powers and duties as are now, or may hereafter be prescribed by laws of the State of Texas relative to municipal courts. The court shall be presided over by a City Judge.

(A) Appointment and Qualification. The City Council by majority vote shall appoint a Judge for the Municipal Court. The method of selection shall be left to the discretion of the City Council so long as the method insures orderly, non-partisan action toward securing a competent and qualified person to fill the position. The City Judge shall be a competent attorney licensed and practicing in the State of Texas. He or she need not be a resident of the City.

(B) Compensation. The City Judge shall receive such salary as may be fixed by the City Council.

(C) Term and Removal. The City Judge shall not be appointed for a definite term, but may be removed at the discretion of the City Council, by vote of at least four (4) of the five (5) Councilmen. The action of

suspending or removing the City Judge shall be in writing and signed by four (4) Councilmen. It is the intention of this Charter to vest all authority and fix responsibilities of such suspension or removal in the City Council.

(D) Alternate City Judge. The City Council shall appoint by majority vote, an alternate City Judge to serve as City Judge during the disability or absence of the regular City Judge. The Alternate City Judge shall have the qualifications and be selected as prescribed in (A) hereinabove. He or she shall serve at the pleasure of the City Council and receive compensation as fixed by the City Council.

(E) Court Clerk. The City Council shall appoint a clerk for the municipal court upon the recommendation of the City Manager. The clerk of the municipal court shall be called the "Court Clerk" and shall have the power to administer oaths and affidavits, make certificates, affix the seal of the municipal court thereto, and generally do and perform any and all acts usual and necessary to be performed by the clerks of court, in issuing and filing complaints and process of the said courts and conducting the business thereof. The Court Clerk shall perform such other duties as the City Manager shall direct and shall serve at the pleasure of the City Manager, subject to concurrence of the City Council.

(F) Deputy Court Clerk. The City Council shall also be authorized to appoint a Deputy Court Clerk upon recommendation of the City Manager.

Section 6. Fire Chief and Fire Marshal

(A) Appointment and Qualification. The City Council by majority vote shall appoint a Fire Chief for the Fire Department of the City. The method of selection shall be left to the discretion of the City Council so long as the method insures orderly, non-partisan action toward securing a competent and qualified person to fill the position. The Fire Chief shall be chosen solely upon his or her training, experience, and ability as a fireman and his or her administrative and leadership qualities. He or she need not be a resident of the City when appointed, but shall during his or her tenure of his or her office reside within the City.

(B) Compensation. The City Council shall determine if any compensation shall be paid to the Fire Chief and shall fix such compensation as the City Council deems appropriate, so long as it is understood that the City's Fire Department is a totally Volunteer Fire Department on a strictly voluntary basis.

(C) Term and Removal. The Fire Chief shall not be appointed for a definite term, but may be removed at the discretion of the City Council, by vote of at least four (4) of the five (5) Councilmen. The action of the City Council in suspending or removing the Fire Chief shall be in writing and signed by four (4) Councilmen. It is the intent of this Charter to vest all authority and fix responsibilities of such suspension or removal in the City Council.

(D) Duties. The Fire Chief shall be the head of the Fire Department and in charge of all of the personnel and operations of the Fire Department including but not limited to fire suppression; enforcement of the City's Fire Code and Fire Safety Ordinances; ambulance and emergency services; and such other operations as are determined by the City Council to be necessary to protect the health, welfare and safety of the citizens of the City. The Fire Chief shall report to and be under the supervision of the City Manager with regard to all administrative and financial matters of the Fire Department. He or she shall give such reports as the City Manager deems necessary regarding the operations of the Fire Department.

(E) Fire Marshal. The City Council shall appoint a Fire Marshal. The method of appointment shall be left to the discretion of the City Council so long as a competent and qualified person is selected by such method. The City Council shall set the salary, if any, to be paid. The Fire Marshal shall have such duties as prescribed by the City Council and shall serve at the pleasure of the City Council. The Fire Marshal shall report to and be under the supervision of the City Manager with regard to all administrative and

financial matters. The City Council may combine the office of Fire Marshal into the office of Fire Chief by ordinance if it so desires so long as such ordinance does not conflict with the provisions of this Charter.

Section 7. Administrative Departments

There shall be such administrative departments as are established by this charter and may be established by ordinance and, excepting as otherwise provided in this charter, these administrative departments shall be under the direction of the City Manager.

The City Council shall have power by ordinance to establish administrative departments or offices not herein provided by this charter. The City Council may discontinue, redesignate, or combine any of the departments and/or administrative offices not herein provided by this Charter. No changes shall be made by the City Council in the organization of the administrative service of the City until the recommendations of the City Manager thereon shall have been heard by the City Council.

The head of each Department shall be a director who shall have supervision and control over his or her department. Two or more departments may be headed by the same individual and the City Manager may head one or more departments.

Section 8. Personnel System

(A) Appointments and Promotions: Appointments and promotions in the administrative service of the City shall be made according to merit and fitness. To carry out this purpose the City Council shall provide by ordinance a system for the classification of employees and rules for the appointment and promotion of employees within such classifications.

(B) Classified Service: No officer, employee, member of a board, or other person, who is to be appointed by the City Council under this charter, and no department head, shall be included within the classified service of the City, but all other persons in the administrative services of the City shall be included therein unless specifically excluded therefrom by the ordinance providing for a system of classified services.

(C) Prohibited Acts: No person employed in the administrative service of the City, or who seeks an appointment thereto, shall be appointed, promoted, reduced, removed, or in any way favor or discriminated against because of his or her race, sex, or his or her political or religious opinions or affiliations. No appointive officer or employee of the City shall make a contribution to the campaign fund of any person seeking election to a City office or to any political party supporting a candidate for election to a City office, nor shall he or she be solicited for this purpose, but his or her right to express an opinion or to cast a vote as a citizen shall not be limited. No person seeking appointment to or promotion in the administrative service of the City shall either directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for or on account of or in connection with his or her appointment or promotion, or any examination conducted therefor. Any person who either by himself or with others wilfully violates any provision of this section shall be ineligible for appointment or election to a position in the City for a period of four years, and if he or she is an officer or employee of the City he or she shall immediately forfeit the office or position he or she holds.

(D) Employee Pensions and Insurance: All rights and obligations under any plan for the payment of retirement benefits, pensions, or disability benefits to any City employee which is in force upon the effective date of this charter shall be unaffected by the adoption hereof. The City Council shall have the power, in its discretion and subject to such regulations and limitations as it may deem proper, to create, operate and contract plans or insurance which will provide health, life, accident, medical and hospital benefits, or any of these, for all or any group of City employees, and to pay or contribute toward the cost of such plan or insurance out of funds available for that purpose.

(E) Personnel Rules: The City Manager shall prepare personnel rules. The City Council will by ordinance adopt them with or without amendment. These rules shall provide for:

1. The classification of all City positions, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position whenever warranted by changed circumstances;
2. A pay plan for all City positions;
3. Methods for determining the merit and fitness of candidates for appointment or promotion;
4. The policies and procedures regulating reduction in force and removal of employees;
5. The hours of work, attendance regulations and provisions for sick and vacation leaves;
6. The policies and procedures governing persons holding provisional appointments;
7. The policies and procedures governing relationships with employee organizations;
8. Policies regarding in-service training programs.
9. Other practices and procedures necessary to the administration of the City personnel system.

ARTICLE 7. The Mayor

Section 1. Powers and Duties

The Mayor shall preside at meetings of the City Council and shall be recognized as head of the City government for all ceremonial purposes and by the governor for purposes of military law. He or she shall not have the right to cast a vote at any City Council meeting except in the event of a tie vote among the Councilmen, in which event he or she is entitled to a vote to break such tie. He or she shall see that all ordinances, by-laws, and resolutions of the City Council are faithfully obeyed and enforced. He or she shall when authorized by the City Council, sign all official documents such as ordinances, resolutions, conveyances, grant agreements, official plats, contracts, and bonds. He or she shall appoint special committees as he or she deems advisable and as instructed by City Council. The Mayor shall have no regular administrative duties and shall deal with all administrative departments through the City Manager. The Mayor shall perform such other duties consistent with this Charter or as may be imposed upon him or her by City Council. The Mayor shall also have the power to administer oaths and the right and privilege of veto as authorized by this Charter.

Section 2. Veto

The Mayor shall have the power of veto of any ordinance or resolution passed by the City Council, provided however that the Mayor shall not have the power of veto of the appointment or removal of officers made by the City Council. The affirmative vote of four (4) of the five (5) Councilmen shall be required to finally pass any ordinance or resolution over such veto.

Section 3. Mayor Pro Tem

The City Council at its first regular meeting following each regular City election shall elect one of its members as Mayor Pro Tem. He or she shall serve for one (1) year and shall perform the duties of the Mayor in case of the absence or inability of the Mayor to perform the duties of his or her office, and who shall during such absence or inability, be vested with all the powers of Mayor.

Section 4. Vacancy

The office of the Mayor shall become vacant upon his or her death, resignation, removal from office in any manner authorized by law or forfeiture of his or her office. The Mayor shall forfeit his or her office if he or she: (a) lacks at any time during his or her office any qualification for the office prescribed by this Charter or by law; (b) is convicted of a felony or crime involving moral turpitude; or (c) fails to attend five (5) consecutive regular City Council meetings without being excused by the City Council. The vacancy in the office of Mayor shall be filled within thirty (30) days of the occurrence of the vacancy by a majority vote of the remaining members of the City Council by the selection of a person qualified for the position as described in this Charter. This appointee shall serve until the position of mayor can be filled at the next regular general City election.

Section 5. Compensation

The City Council shall by ordinance set the rate of compensation for the office of Mayor at the first regular meeting following the general City election each year. The Mayor shall also be reimbursed for all reasonable and necessary expenses in carrying on the performance of his or her official duties, upon presentation of proper itemized account with paid receipts and approved by the City Council and any such funds not so expended shall be returned to the City treasury.

ARTICLE 8. Civil Service

Section 1. Creation of Commission

Upon the City reaching a population of ten thousand (10,000) citizens as determined by the official United States Census, or by a census conducted by the City Council, the City Council shall by ordinance provide for the creation of a Civil Service Commission. The City Council is further authorized to establish by ordinance such rules and powers of the Civil Service Commission as may be necessary to provide for the Civil Service Program for all the employees of the City. The City Council shall comply with all state statutes and laws relating to the establishment and operation of a Civil Service Commission and Program.

Section 2. Continuation of Other Rules and Regulations

Notwithstanding the creation of a Civil Service Commission and Program for the employees of the City, the rules, regulations, ordinances and applicable provisions of this charter shall remain in effect so long as the same are not in conflict with the state statutes regulating the Civil Service Commission and Program. It is the intention of this charter to vest all authority for the establishment and operation of a Civil Service Commission with the City Council.

ARTICLE 9. Initiative, Referendum and Recall

Section 1. General Authority

(A) Initiative: The qualified voters of the City shall have the power to propose ordinances to the City Council and, if the City Council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a City election, provided that such power shall not extend to the budget, or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of City officers or employees.

Such initiative power may be used to enact a new ordinance, or to repeal or amend sections of an existing ordinance.

(B) Referendum: The qualified voters of the City shall have the power to require reconsideration by the City Council of any adopted ordinance and, if the City Council fails to repeal any ordinance so reconsidered, to approve or reject it at a City election, provided that such power shall not extend to the budget or capital program or any properly enacted emergency ordinance, ordinance relating to appropriation of money or levying of taxes or ordinance relating to the control of armed or violent insurrection, revolt, rebellion or riot.

Section 2. Initiation of Proceedings; Petitioners' Committee; Affidavit

Any ten (10) qualified voters may begin initiative or referendum proceedings by filing with the City Secretary an affidavit stating they constitute the petitioner's committee and will be responsible for circulating the petition and filing it in proper form stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or the ordinance sought to be reconsidered.

Immediately after the affidavit of the petitioners' committee is filed the City Secretary shall issue the appropriate petition blanks to the petitioner's committee.

After the affidavit of the petitioners' committee has been filed, the ordinance sought to be amended or repealed shall not be repealed, or amended or re-enacted by the City Council unless:

- (A) The action taken by City Council is that which the petition requests, or
- (B) The petition has not been filed within the prescribed time limit, or
- (C) There is a final determination of the insufficiency of the petition, or
- (D) The petition is withdrawn by the petitioners' committee, or
- (E) One year has elapsed since City Council or voter action has been taken on the petition, or
- (F) The ordinance sought to be amended or repealed relates to the control of insurrection or riot.

Section 3. Petitions

(A) Number of signatures: Initiative and referendum petitions must be signed by currently qualified voters of the City equal in number to at least ten percent (10%) of the total number of qualified voters registered to vote at the last regular City election.

(B) Form and Content: All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. To be certified, each signature shall be the same as the name of a voter appearing on the current certified list of voter registrations, shall have been personally signed by such voter in ink, and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(C) Affidavit of Circulator: When filed, each paper of a petition shall have attached to it an affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(D) Time for Filing Petitions: Referendum petitions must be filed within thirty (30) days after adoption by the City Council of the ordinance sought to be reconsidered. Initiative petitions must be filed within thirty (30) days after issuance of the appropriate petition blanks to the petitioners' committee. Additional time as specified in Section 5 E., shall be allowed for amending petitions.

Section 4. Determination of Sufficiency

(A) Certificate of City Secretary: Within thirty (30) days after the petition is filed, the City Secretary shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall immediately upon completion of certification send a copy of the certificate to the petitioners' committee by registered mail.

(B) Sufficient Petition, Final Determination: If the petition is certified sufficient, the City Secretary shall present the certificate to the City Council by the next City Council meeting and the certificate shall then be a final determination as to the sufficiency of the petition.

(C) Insufficient Petition, Final Determination: If a petition is certified insufficient, and the petitioners' committee does not elect to amend or request City Council review under sub-sections D. and E. of this section within the time required, the City Secretary shall present a certificate to the City Council by the next City Council meeting which shall be a final determination of the sufficiency of the petition.

(D) Insufficient Petition, Appeal: If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it as in Section 5 E., the committee may, within two working days after receiving the copy of such certificate, file a request that it be reviewed by the City Council. The City Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the City Council's determination shall then be a final determination as to the sufficiency of the petition.

(E) Insufficient Petition, Amending: A petition certified insufficient for lack of required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the City Secretary within two (2) working days after receiving the copy of his or her certificate, and files a supplementary petition with additional names within two (2) weeks after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of Sections 3 B. and C.

Within five (5) days after an amended petition is filed, the City Secretary shall complete a certificate as to the sufficiency of the petition as amended and shall within forty-eight (48) hours send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. The final determination as to the sufficiency of an

amended petition shall be determined in the same manner as prescribed for original petitions in Sections 4 B., C., and D., except that no petition, once amended, may be amended again.

(F) Court Review; New Petition: A final determination as to the sufficiency of a petition shall be subject to review in a county court of record and higher. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

Section 5. Referendum Petitions; Suspension of Effect of Ordinance

When a referendum petition is filed with the City Secretary, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (A) there is a final determination of insufficiency of the petition, or
- (B) the petitioner's committee withdraws the petition, or
- (C) the City Council repeals the ordinance, or
- (D) the vote of the people in a referendum election determines whether the ordinance sought to be repealed is repealed or is sustained and the election results are certified by the election officials.

All action previously taken under such ordinance or resolution shall be suspended and its legality or validity determined by the final disposition of the referendum petition.

Section 6. Action on Petitions

(A) Action by City Council: City Council shall promptly consider the proposed initiative ordinance in the manner prescribed for enacting ordinances or reconsider the referred ordinance by voting its repeal. Within sixty (60) days after the date the initiative or referendum petition has been finally determined sufficient City Council shall either (1) adopt a proposed initiative ordinance without any change in substance, or (2) repeal a referred ordinance, or (3) call an election on the proposed or referred ordinance, said election to be held not later than forty-five (45) days from date called.

(B) Submission to Voters: The vote of the City on a proposed or referred ordinance shall be held not later than forty-five (45) days from the date called by City Council, except that when a regular City election is to be held within one hundred twenty (120) days, but not less than forty-five (45) days, after the final City Council vote, the vote on the ordinance shall be held at the same time as the regular City election.

Copies of the proposed or referred ordinance shall be made available at the polls and shall also be made available at the City Office for fifteen (15) days immediately preceding the election and shall be posted at the regular posting places for fifteen (15) days immediately preceding the election.

(C) Withdrawal of Petitions: An initiative or referendum petition may be withdrawn at any time prior to the 20th day preceding the day scheduled for a vote of the City by filing with the City Secretary a request for withdrawal signed by at least nine (9) members of the petitioners' committee. Upon filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Section 7. Results of Election

(A) Initiative: If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by City Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(B) Limitation of City Council Repeal: The City Council may not repeal or amend the initiated ordinance for one year after the effective date and then only by the affirmative vote of four (4) members of the City Council.

(C) Referendum: If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

Section 8. Power of Recall

The qualified voters shall have the power to recall any elected official of the City on grounds of incompetency, noncompliance with this charter, misconduct or malfeasance in office. Such power shall be exercised by filing with the City Secretary a petition, signed by currently qualified voters of the City equal in number to at least ten percent (10%) of the total number of qualified voters registered to vote at the last regular City election, demanding the removal of such elected official. The petition shall be signed and verified in the manner required for an initiative petition.

Section 9. Recall Election

The provisions regulating initiation, certification, amendment and withdrawal of initiative petitions shall apply to recall petitions. If the petition is certified by the City Secretary to be sufficient, the City Council shall order an election forthwith to determine whether such officer shall be recalled.

Section 10. Results of Recall Election

If a majority of the votes cast a recall election shall be against removal of the elected official named on the ballot, he or she shall continue in office. If the majority of the votes cast at the election be for the removal of the elected official named on the ballot, the City Council shall immediately declare his or her office vacant and such vacancy shall be filled in accordance with the provisions of this charter for the filling of vacancies. An elected official thus removed shall not be a candidate to succeed himself.

Section 11. Limitation on Recall

No recall petition shall be filed against an elected official within six months after he or she takes office, and no elected official shall be subjected to more than one recall election during a term of office.

Section 12. Public Hearing

The elected official whose removal is sought may, within five (5) days after such recall petition has been presented to the City Council, request that a public hearing be held to permit him or her to present facts pertinent to the charges specified in the recall petition. In this event, the City

Council shall order such public hearing to be held, not less than five (5) days nor more than fifteen days after receiving such request for a public hearing.

Section 13. Failure of City Council to Call an Election

In case all of the requirements of this charter shall have been met and the City Council shall fail or refuse to receive the recall petition, or order such recall election, or discharge other duties imposed upon said City Council by the provisions of this charter with reference to such recall, then the County Judge of Harris County, Texas, shall discharge any such duties herein provided to be discharged by the City Secretary or by the City Council. In addition, any qualified voter in the City may seek judicial relief in the District Court of Harris County, Texas, to have any of the provisions of this charter pertaining to recall carried out by the proper official.

ARTICLE 10. Transitional Provisions

Section 1. Schedule

(A) This charter shall take effect immediately following adoption by the voters, and shall be fully operable within one year after adoption, except as provided herein.

(B) Upon the adoption of this charter, the present members of the City Council shall serve until the terms to which they were elected shall have expired and until their successor shall have qualified.

Section 2. Officers and Employees

(A) Rights and Privileges Preserved. Nothing in this charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are City officers or employees at the time of its adoption.

(B) Continuance of Office or Employment. Except as specifically provided by this charter, if at the time this charter takes full effect a City administrative officer or employee holds any office or position which is or can be abolished by or under this charter, he or she shall continue in such office or position until adoption of some specific provision under this charter directing that he or she vacate the office or position.

(C) Personnel System. An employee holding a City position at the time this charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition or continuance in the same position but in all other respects shall be subject to the personnel system provided for in this charter.

Section 3. Pending Matters

All rights, claims, actions, orders, contracts, franchises, and legal or administrative proceedings in existence at the time of the adoption of this charter shall continue until consummation. All renewals or new rights, claims, actions, orders, contracts, franchises, and legal or administrative proceedings arising after the adoption of this charter shall be conducted pursuant to this charter.

Section 4. Franchises

Within twelve (12) months after the effective date of this charter, every public utility and every owner of a public utility franchise shall file with the City certified copies of all franchises owned or claimed, or under which such utility is operated in the City.

ARTICLE 11. The City Planning Commission, Zoning, Building Lines

Section 1. Appointment of Members, Purpose

The City Council of the City may appoint a City Planning Commission which shall consist of five (5) members, none of whom shall hold any other public office or position in the City. The five (5) members of the Commission shall be real property tax payers of the City. The City Manager and Mayor shall serve as ex-officio members of the Commission. The Commission shall elect its chairman from among the appointive members.

The purpose and object of said City Planning Commission is to act as an advisory board to the City Council or other governing body relating to all nature of public improvements, civic improvements, City planning, opening, widening and changing of streets, routing of public utilities, controlling and regulating traffic upon the public streets and ways of the City and such other matters relating to City improvement as the City Planning Commission and the governing body of the City may deem beneficial to the City. A majority of said Commissioners shall constitute a quorum.

Section 2. Planning Commission, Term of Office, Vacancies

The term of the appointive members shall be four (4) years, except that of the five (5) members first appointed, one shall be appointed for a term of one (1) year, one for two (2) years, one for three (3) years and two for four (4) years. Any vacancy during the unexpired term of any appointive member shall be filled by the City Council for the remainder of the term.

Section 3. Removal From Commission

The members of the City Planning Commission shall be subject to removal from office by the governing body, for any cause deemed by the governing body sufficient for their removal in the interest of the public service, but only after a public hearing before the City Council on charges publicly made, if demanded by such members within ten (10) days.

Section 4. Adoption of State Laws

All of the laws and constitution of the State of Texas, are hereby adopted and made a part of this Charter, and shall be controlling on the City Planning Commission, as the law may now exist or may be hereafter enacted or amended.

Section 5. Powers

The City Planning Commission shall have the power to pass upon all plans which may be considered by the City Council of the City, relating to public improvements, and it shall be the duty of the City Council as far as practicable to submit plans governing public improvements involved under the terms of this Charter, to the City Planning Commission to obtain its advice with reference thereto. The governing body may thereafter adopt the methods recommended by the City Planning Commission or any plans or methods which may be deemed most advisable by the City Council of the City or otherwise by the governing body shall never be deemed invalid because the City Planning Commission has not been consulted or has not furnished any advice thereon, or because the governing body has failed to submit its plans thereon for consideration by said City Planning Commission.

The Commission shall be required to:

1. Make, amend, extend and add to the Master plan for the physical development of the City as defined in this Article.
2. Exercise control over platting or subdividing land;
3. Draft for the City Council an official map of the City and recommend or disapprove proposed changes in such map;
4. Make and adopt as provided in this Charter a zoning plan and recommend or disapprove proposed changes in such plan;
5. Meet not less than once each month and keep a public record of its resolutions, findings and determinations.

The City Planning Commission shall have power to:

1. Require information which shall be furnished within a reasonable time from the other departments of the City Government in relation to its work.
2. Within its budget appropriation, contract with City Planners and other consultants for such services as it may require.

Section 6. The Master Plan

The master plan for the physical development of the City, with the accompanying maps, plats, charts, descriptive and explanatory matter, shall show the commissions' recommendations for the development of City territory, and may include among other things, (a) the general location, character and extent of streets, parks, and other public ways, grounds and spaces; (b) the general location of public buildings and other public buildings and other public property; (c) the general location and extent of public utilities, whether publicly or privately owned; (d) the removal, relocation, widening, extension, narrowing, vacating, abandonment or change of use of such existing or future public ways, grounds, spaces, buildings, property or utilities; (e) the general extent and location of public housing projects.

Section 7. Adoption of Master Plan

The City Planning Commission may adopt the master plan as a whole by a single resolution, or may by successive resolutions adopt successive parts of the plan, said part corresponding to major geographical sections of the City, and may adopt any amendment or extension thereof or addition thereto. The adoption of the plan or of any such part, amendment, extension or addition, shall be by resolution carried by the affirmative votes of not less than a majority of the Commission, but before the adoption of the plan or any part of any modification, extension or addition, the commission shall hold at least one public hearing on the proposed action. An attested copy of the plan or part thereof shall be certified by the City Council.

Section 8. Platting or Subdivision Control

The City Planning Commission shall be the platting commission of the City, and, as such, shall have the control of the platting or subdivision of land within corporate limit or within a maximum of five (5) miles of the corporate limits; provided, however, that said control shall not apply to land outside of the City over which platting or subdivision control is reposed by law in some authority other than this City or any of its offices, departments or agencies. "Subdivision" means the division of a lot, tract or parcel of land into four (4) or more lots, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development.

No subdivision or plat will be accepted by the City Planning Commission unless such plat or subdivision is prepared by a State licensed land surveyor.

Section 9. Official Map

The City Council of the City may by ordinance establish an official map of the City on which shall be shown and indicated:

1. All public streets existing and established by law at the time of the establishment of the Official map;
2. All planned streets and street lines as located on plats adopted by the City Council;
3. All streets or street lines as located on final or recorded plats of subdivisions approved by the City Planning Commission at the time the establishment of the official map shall not, in and of itself, constitute or be deemed to constitute the opening or establishment of any street nor the taking or acceptance of any land for street purposes. The City Council may in the same manner place upon the official map the location of existing or planned parks or other public open spaces.

Section 10. Zoning Ordinances

For the purpose of promoting the public health, morals, safety, order, convenience, prosperity and general welfare, the City Council of the City, or any other body by, through, or under its direction, shall have the power to divide the City into zones or districts for the purpose of regulating and controlling the size, height, bulk and use of buildings within such zones or districts and may exercise any other power necessary fully to effectuate and accomplish the purpose of the powers herein conferred; that the further power is conferred upon the City to establish building lines within such zones or district or to establish building lines in residence districts or in other portions of the City as may be deemed advisable, all according to the Laws and Constitution of the State of Texas, as it now exists or may hereafter exist, and the Statutes of the State of Texas, are hereby adopted in full for the guidance of the City Council of the City, in enacting such regulations.

Section 11. Zoning Board of Appeals

The City Council of the City shall have the power to act as a zoning Board of Appeals and shall have power to hear and determine appeals from refusals of building permits and to permit exceptions to or variance from the Zoning regulations in classes of cases or situations and in accordance with the principles, conditions and procedure specified in the ordinance.

Section 12. Building Lines

The City Council of the City may establish building lines on any public street or highway or part thereof in the City. The word "street" as used herein, means any public highway, boulevard, parkway, square or street or any part or side of any of the same. The establishing of building lines may be done by adopting a resolution or ordinance describing the street, highway or part thereof to be effected, and the location of the building line or lines, and except as herein otherwise provided by following the same procedure as that authorized by this Charter, the Constitution and Laws of the State of Texas, for acquiring land for the opening of streets by the City. After the

establishment of any such lines, no buildings or other structures shall be erected, reconstructed or substantially repaired, and no new structures or part thereof, shall be erected or re-erected within said line or lines so established. The provisions of Article 1105-A. of the Revised Civil Statutes of the State of Texas, are hereby adopted into, for the guidance of the City Council, in establishing such building line or lines, as well as the Laws and Constitution of the State of Texas.

Section 13. Adoption of Present Zoning Ordinance

In so far as the same does not conflict with this Charter, the present zoning ordinance of the City shall remain in full force and effect.

ARTICLE 12. General Provisions

Section 1. Exemption From Liability for Damages

Notice of Damage or Injury required. The City shall never be liable for any personal injury, whether resulting in death, or not, unless the person injured or someone in his or her behalf, or in the event the injury results in death, the person or persons who may have a cause of action under the law by reason of such death or injury, shall file a notice in writing with the City Manager or City Secretary within thirty (30) days after the same has been received, stating specifically in such notice when, where, and how the exact injury occurred and the full extent thereof, together with the amount of damages claimed or asserted. The City shall never be liable for any claim for damage or injury to personal property unless the person whose personal property has been injured or damaged or someone in his or her behalf, shall file a claim in writing with the City Manager or the City Secretary within thirty (30) days after said damage or injury has occurred, stating specifically when, where and how the injury or damage occurred and the amount of any damage or injury to person or to personal property arising from or occasioned by any defect in any public street, highway, alley, grounds or public works of the City unless the specific defect causing the damage or injury shall have been actually known to the City Manager, or to the Director of Public Works, at least twenty-four (24) hours prior to the occurrence of the injury or damage and proper diligence has not been exercised to rectify the defect. The notice herein required to be given to the City Manager or Director of Public Works of the specific defect causing the damage or injury shall apply where the defect arose from any omission of the City itself, through its agents, servants, or employees or acts of third parties.

Section 2. Power to Settle Claims

The City Council shall have the power to compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the City, including suits by the City to recover delinquent taxes.

Section 3. City Not Required to Give Security or Execute Bond

It shall not be necessary in any action, suit or proceeding in which the City is a party, for any bond, undertaking or security to be demanded or executed by or on behalf of said City in any of the State Courts, but in all such actions, suits, appeals or proceedings, same shall be conducted in the same manner as if such bond, undertaking or security has been given as required by law and said City shall be just as liable as if security or bond had been duly executed.

Section 4. Service of Process Against the City

All legal process against the City shall be served upon the Mayor or Mayor Pro-tem.

Section 5. Lien Against City Property

No lien of any kind shall ever exist against any property, real or personal, owned by the City except that the same be created by this Charter.

Section 6. Provisions Relating to Assignment:
Execution and Garnishment

The property, real and personal, belonging to the City shall not be liable to be sold or appropriated under any writ of execution or cost bill. No public property of any other character owned or held by the City shall be subject to execution of any kind or nature. The funds belonging to the City, in the hands of any person, firm or corporation, shall not be liable to garnishment, attachment, or sequestration; nor shall the City be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the City nor any of its officers or agents shall be required to answer any such writ or garnishment on any account whatever. The City shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors.

Section 7. Power to Remit Penalties

The City Council shall have the right to remit in whole or in part any fine or penalty belonging to the City, which may be imposed under any ordinance or resolution passed in pursuance of this Charter.

Section 8. Church and School Property Not Exempt From Special Assessments

No property of any kind, church, school, or otherwise in the City shall be exempt from any of the special taxes and assessments authorized by this Charter for local improvements unless the exemption is required by State law.

Section 9. Sale or Lease of Property Other Than Public Utilities or
Acquired by Tax Sale

Any real property owned by the City may be sold or leased by the City Council when in its judgement, such sale or lease will be for the best interests of the City; provided, however, a sale or a lease for more than five (5) years shall never become effective until thirty (30) days after passage of the ordinance or resolution affecting the same. If, during such thirty (30) day period, a referendum petition is presented to the City Secretary which in all respects conforms to the referendum provisions of Article 11 of this Charter, and same is found sufficient, then the City Secretary shall certify the sufficiency of same to the City Council, and an election shall be called submitting the question of whether or not the sale or lease, as the case may be, shall be consummated. Provided, further, however, the provision of this Section shall not apply to public utilities.

Section 10. Effect of This Charter on Existing Laws

All ordinances, resolutions, rules and regulations now in force under the City government of the City and not in conflict with the provisions of this Charter, shall remain in force under this Charter until altered, amended or repealed by the City Council after this Charter takes effect and all rights of the City under existing franchises and contracts are preserved in full force and effect to the City. Upon adoption of this Charter it shall constitute the Charter of the City.

Section 11. Continuance of Contracts and Succession of Rights

All contracts entered into by the City, or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or

ordinances existing at the time this Charter takes effect may be carried to completion in accordance with the provisions of such existing laws or ordinances.

All suits, taxes, penalties, forfeitures and all other rights, claims and demands, which have accrued under the laws heretofore in force governing the City, shall belong to and be vested in and shall be prosecuted by and for the use and benefit of the corporation hereby created, and shall not in anywise be diminished, affected or prejudiced by the adoption and taking effect of this Charter.

Section 12. Construction and Separability Clauses

This Charter shall be liberally construed to carry out its intents and purposes. If any section or part of Section of this Charter shall be held invalid by a court or competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid may appear, except that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

Section 13. Amending the Charter

Amendments to this Charter shall be as provided by the Revised Civil Statutes of the State of Texas, and the Constitution of the State of Texas, as is now written or as it may hereinafter be amended, and amendments to this Charter shall comply in every respect with the Constitution and Laws of the State of Texas.

Section 14. Reference to City

Where the word "City" is mentioned within this Charter, it shall be intended to refer to the City of Jacinto City, Texas.

Section 15. Public Records

All public records of every office, department, or agency of the City shall be open to inspection by any citizen at all reasonable times, provided that police records, vital statistic records, records and files of the Department of Law, and any other records closed to the public by law, shall not be considered public records for the purpose of this section. During normal office hours, any citizen of the City or any duly authorized representative of the press or other news media shall have the right to examine any such public records belonging to the City and shall have the right to make copies thereof under such reasonable rules and regulations as may be prescribed by the City Council or by this charter.

Section 16. Official Newspaper

The City Council shall contract annually with, and by resolution designate, a public newspaper of general circulation in the City as official organ thereof, and to continue as such until another is designated, and shall cause to be published therein all ordinances, notices and other matter required by this charter, by the ordinances of the City, or by the Constitution and/or laws of the State of Texas to be published.

Section 17. Personal Financial Interest

No officer or employee of the City shall have a financial interest, direct or indirect, in any contract with the City, or shall be financially

interested, directly or indirectly, in the sale to the City of any land, materials, supplies or service, except on behalf of the City as an officer or employee. Any willful violation of this Section shall constitute malfeasance in office, and any officer or employee guilty thereof shall be subject to removal from his or her office or position. Any violation of this Section, with the knowledge, expressed or implied, of the person or corporation contracting with the City Council shall render the contract involved voidable by the City Manager or the City Council.

Section 18. Nepotism

No person related within the second degree by affinity, or within a third degree by consanguinity to any elected officer of the City, or to the City Manager, or to any full time paid department head, shall be appointed to any office, position or clerkship or other service of the City, for which service such person receives any remuneration whatsoever, either directly or indirectly for any monetary benefit whatsoever; but this prohibition shall not apply to officers or employees who have been continuously employed by the City for not less than one year prior to the election or appointment of the officer related in the prohibited degree. This prohibition shall not apply to any service which is totally voluntary and receives no benefit or expense reimbursement.

Section 19. Charter Review Commission

The City Council shall appoint at its first regular meeting in July of every fifth year after approval of this charter, a Charter Review Commission of five (5) citizens of the City.

(A) Duties of the Commission:

1. Inquire into the operation of the City Government under the charter provisions and determine whether any such provisions require revision. To this end public hearings may be held; and the Commission shall have the power to compel the attendance of any officer or employee of the City and require the submission of any of the City records which it may deem necessary to the conduct of such hearing.
2. Propose any recommendations it may deem desirable to insure compliance with the provisions of the charter by the several departments of the City Government.
3. Propose, if it deems desirable, amendments to this charter to improve the effective application of the charter to current conditions.
4. Report its finding and present its proposed amendments, if any, to the City Council.

(B) The City Council shall receive and have published in the designated official public newspaper of the City any report presented by the Charter Review Commission; shall consider any recommendations made, and if any amendments be presented as part of such report, may order such amendment or amendments to be submitted to the voters of the City in the manner provided by Chapter 13 of Title 28 of the Revised Civil Statutes of Texas, 1925, as now or hereafter amended.